# REPORT

FROM THE

## SELECT COMMITTEE

ON

# SEWERS

## IN THE METROPOLIS.

*Ordered, by* The House of Commons, *to be Printed,*
10 *July* 1823.

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BGL LONDIN. UNIV.

# REPORT.

## THE SELECT COMMITTEE appointed to inquire into the Powers vested in and exercised by the COMMISSIONERS of SEWERS, in The Metropolis, and to report their Observations and Opinion thereupon to The House;—

HAVE, pursuant to the Order of The House, examined into the several matters to them referred; and have examined several Witnesses; but, from the advanced stage of the Session, they do not deem it expedient to offer any Opinion on the subject to The House at the present time, except to report the Evidence taken before them.

10 *July* 1823.

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## MINUTES OF EVIDENCE.

*Mercurij*, 5° *die Martij*, 1823.

PETER MOORE, ESQUIRE, IN THE CHAIR.

Mr. *John Wright Unwin* called in, and Examined.

*Mr. J. W. Unwin.* (5 March.)

YOU are clerk to the commissioners of sewers for the Tower Hamlets?—Yes. How long have you been clerk?—I have been clerk about fifteen years, and solicitor to the commissioners for about twenty.

You keep all their proceedings?—Yes, I enter all their proceedings.

From whom did you derive your appointment?—I derived my appointment by the election of the commissioners, at a full court.

Have you brought with you the commission under which the commissioners are now acting?—Yes. I have.

Are the names of the commissioners mentioned in it?—They are; I suppose there are about 150.

What is the date of the commission?—The 15th of February, 1821.

Does the commission describe who the commissioners are?—There is no address, only their names.

Is there any qualification given to them?—Yes, there are qualifications, which are stated in Callis's Readings, and in the Act of Parliament; the first is, that the commissioner shall be an utter barrister, in one of the four inns of court, which is, a gentlemen practicing in the courts, not a chamber barrister; the second, that he had lands, &c. of the yearly value of forty marks; the third, that a commissioner be free of some city or town corporate, and have moveable substance, which is personal estate, to the clear yearly value of 100*l.*; then there is in addition to that, an oath, prescribed by the Act of Parliament of the 23d Henry 8, c. 5, which is required to be taken before they can act, "Ye shall swear, that you to your cunning wit and power, shall truly and indifferently execute the authority to you given by this commission of sewers, without any favour, affection, corruption, dread or malice, to be

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borne to any manner of person or persons; and as the case shall require, ye shall consent and endeavour yourself, for your part, to the best of your knowledge and power, to the making of such wholesome, just, equal and indifferent laws and ordinances, as shall be made and devised by the most discreet and indifferent member of your fellows, being in commission with you, for the due redress, reformation and amendment, of all and every such things as are contained and specified in the said commission; and the same laws and ordinances, to your cunning, wit and power, cause to be put in due execution, without favour, meed, dread, malice or affection, as God you help, and all saints."

Do those commissioners ever act without taking the oath?—No, they never do.

How are the commissioners remunerated for their services?—They have no remuneration, excepting a dinner on the court-days, which happen four times a year, in the months of March, June, September and December; then there is a standing committee of twelve, who meet every month, excepting the month of August, and always dine; they have no other recompense but these dinners.

What is the number generally assembled at a court?—The average number of persons who assemble at the courts, is from thirty-five to forty.

Of how many does the committee consist?—Of twelve.

What is the committee called?—They are called a standing committee; the names of the committee are as follow:—Sir Daniel Williams, Robert Helme, Thomas Windle, Thomas Mashiter, William Bayne, Robert Simpson, Charles Stutfield, John Hartshorne, James Saunders, George Fox, Thomas Longbotham, Charles David Williams. This standing committee is appointed at the first meeting under every new commission, and they have powers; that they be a standing committee under this commission, and that they meet and adjourn, from time to time, give directions for doing the necessary works between the courts, and that they have power to draw checks upon the bank of England, and report their proceedings, and that three of them be a quorum.

This committee, then, is the principal organ of the whole establishment?—Yes.

Are the present committee the same as were elected when you were first clerk of the commission?—Yes, since the new commission, with the exception of one, who has resigned.

How are vacancies filled in this committee?—On a report to the court, recommending the appointment of a certain individual.

In truth, then, the whole of the powers of the court, are delegated to this committee?—No; they do not pay bills to the workmen and tradesmen, without submitting them first to the court; they would pay such a thing as a salary. Though they order works, it does not follow that they pay the bills, until they have been submitted to a full board.

Do the committee exercise any further powers?—In addition to this, they are in the habit of granting the petitions of persons who apply for leave to use the public sewers for the purpose of draining their property; the committee also hear the defaulters who have not paid their rates, but they never issue a distress warrant to enforce the payment of the rate, until the defaulter has had an opportunity of being heard by the full court, by being duly summoned.

Upon complaints of this kind, namely, to use the common sewers, are the complainants put to any expense?—No, none at all; where complaints are made of the public sewers, the parties are put to no expense; there is a complaint book kept in the office of sewers, which I will beg to produce; all complaints are entered in that book, which is regularly inspected once or twice a week by the surveyor, and every day by the inspector, and immediate relief is given, unless it is necessary to consult the committee upon it: the surveyor is empowered to give immediate relief where it is not of any considerable magnitude, so as to require the special authority of the committee or the board. All persons who have occasion to make drains into the public sewers, apply by petition; that petition is immediately referred to the surveyer; the surveyor, after a local inspection, writes his report upon the petition, which is handed to the committee, and if thought proper, is immediately granted; these petitions are all filed, and I beg to produce some of them; they are also entered among the proceedings of the court.

When a man's own sewer is out of order, what is the process then?—When the sewer of a man's house is out of order, if he applies to the court for relief, it is granted, if he is within the jurisdiction, and it is not a private drain, because they make that distinction; it is not all drains that are within the laws.

Supposing a man's private drain is out of order, what is done?—In case of a private

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private drain being out of order, the commissioners do not interfere, having no jurisdiction over private drains.

If a person applies for their assistance, they will not do it?—No; they will keep the public sewers clear; they may have access to the public sewer, for the relief of the private drain, by application to the court.

But in none of these cases the parishioner is put to any expense?—None, excepting for his private drain; that the commissioners have nothing to do with.

What is your establishment for the whole of this commission?—The establishment for the commission, Sir Daniel Williams, chairman, the committee before enumerated, I consider a part of the establishment; the clerk, the surveyor, a temporary clerk of the works during the construction of a large sewer in Ratcliffe highway, till that sewer is completed, an inspector and a messenger.

What are the salaries?—The clerk has 330*l.* a year; the surveyor 250*l.* a year: the salaries have been increased during the present commission, in consequence of all fees of every description having been abolished; the former salary was 200*l.* a year to the clerk, and 150*l.* to the surveyor; the inspector has a guinea a week, and the messenger 40*l.* a year.

Have all the salaries been lately increased?—Only those of the clerk and surveyor; that was in consequence of the fees being abolished; there is written up in the office of sewers, that all fees are abolished; there is also upon the petition a notice, that by order of the court all fees are abolished.

What is the date of that alteration in the salaries?—From the commencement of the new commission.

Will you state what was the nature of the fees preceding that period?—There was a fee of a guinea to the clerk, and another guinea to the surveyor, upon every petition presented to the court; but the fees were not taken to the whole extent; for where persons came to the court, and where a large number of houses were to be erected, instead of having separate petitions for each house, we consolidated them, and took a certain sum for the whole, instead of having perhaps 70 or 80 petitions, we took one petition, and accompanied it with a plan, and took a sort of poundage, or small sum for each house; that is now entirely done away with; this alteration was made by the express authority of the whole board, by an express resolution.

Can you turn to that resolution?—It is in the minute of the meeting of the commissioners, on the 3d of May 1821; the following minute is contained in the proceedings of that day:—"Your committee have adverted to the fees of office received by the clerk and surveyor to this commission, and do recommend to the court, that they be henceforth abolished, and that the sum of 130*l.* per annum be added to their present salaries, as a compensation for the same;" that recommendation was confirmed and added to the proceedings of the day, and became an order of the court, and has been undeviatingly acted upon ever since.

Two guineas was the whole fee, attaching previously to this alteration?—Yes, there was upon that a composition frequently; where there were a number of houses we incorporated them together, and took perhaps half a crown on each house, so that it might not bear heavily upon any house proprietor.

The increase of those salaries was the average of the annual fees received on those petitions?—Yes, for several preceding years.

Where is your business conducted?—When Sir Daniel Williams took the chair, he produced a report containing certain regulations, which among other things, recommended the taking of a convenient house for the accommodation of the business of the court, and for facilitating the intercourse between the officers of the commission and the public, and it has had that effect; and also for the safe custody of all the records books and papers belonging to the commissioners, and where attendance might be regularly given to all persons who might apply, respecting the sewers; the lease of a respectable house was purchased, N° 15, Great Alie-street, from Sir Claude Scott.

At what price?—The purchase money was 550*l.*; there was a lease of eighteen years to come, at a ground rent of 16*l.*; in this house there has been built a strong room, fire proof, for the custody of the books and papers; I should suppose the cost of repairing the house, and papering and painting, and rendering it fit for the reception of the commissioners and the officers, might be about 1,000*l.* more or less; that is now the residence of the clerk.

In that residence you are ready to receive petitions, as they may come to you?—Yes, attendance is given every day, Sundays excepted, from eleven o'clock till three in the afternoon.

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The full court meet, you say, four times a year?—Yes, and with power to adjourn, if they find it necessary.

The committee meet monthly?—Yes, they meet every month, except the month of August.

Will you have the goodness to state, what the process is from the beginning to the end of the operations of this board, with respect to sewers?—Upon the issuing of a new commission, this court issues a precept to the sheriff of Middlesex, to summon from the body of the county, forty-eight good and lawful men, of whom twenty-three are sworn; this they have power to do under the statute of the 23d Henry 8, c. 5, before alluded to; this jury are sworn in court, and charged by the chairman, who directs them to present upon oath the state of the embankments, and of the sewers, on this presentment, which is chiefly founded on views taken, and which also comprehends the persons and property liable to be rated; the court proceeds to nominate assessors (for which, I beg to refer to Callis, page 127), who state the apparent value of each man's estate which the jury find liable to be assessed, and which, upon proper evidence, is adopted; an estimate is then made by the surveyor, of the necessary expenses of those works upon which the rate is founded, at so much in the pound; then collectors are appointed in open court, who enter into bond in a sufficient penalty; defaulters or persons aggrieved, are summoned, and may be heard by the court, before any distress warrant issues against their property; if they are over-rated, or rated higher than the poor rate, they are relieved; if they are desirous of trying the question, whether the rate is legally assessed or not, upon them, and whether they receive benefit or avoid damage, they may bring an action of trespass against the collector, when the commissioners of sewers are bound to show that all their proceedings are legal, and that the parties do actually receive a benefit or avoid a damage, otherwise they cannot make out their defence.

The jury make a return in point of liability of the several persons within the survey which they have made; how do they judge of that liability?—They judge of it by the contiguity of the sewer to the property which is rated; the sewers are for the relief of the level, to carry off the land and waste waters.

By what means do they judge whether the occupiers of those houses derive a benefit, or avoid a damage?—They judge of that by their position, that they receive a benefit by their water draining into the sewers, or avoid a damage by the public sewers being kept open; the great sewers are for the drainage of a whole level, and to conduct the rain and waste water to the great rivers, without which, the waters would stagnate, and the land in many cases, be a complete morass, and the cause of pestilence; if works are constructed upon the level, which are not generally beneficial to the whole level, then only those persons who receive the benefit are liable to contribute to the expense.

You have mentioned a new sewer, will you explain upon what authority it is that the new sewers are formed?—The new sewer now forming in Ratcliffe-highway, was constructed for the relief of a large and populous new district, and also for the more effectual drainage of an old district, from which a considerable number of sewers were taken by the formation of the London docks; since the formation of the Commercial road, an immense quantity of new houses have sprung up, which all required drainage, and the old sewers were found insufficient.

This new great sewer, in Ratcliffe-highway, is the consequence of new buildings, in short of a new town?—Yes, this new sewer was constructed on the presentment of a jury, as well as upon the report of several engineers of eminence. The words of the jury respecting the sewer, are as follow:—"And we do further present and say, that great complaints were made to us of the frequent overflowing of the sewers, in the vicinity of Old and New Gravel-lane, and what was formerly called Wapping marsh; also in Shakspeare walk, Milk-yard and Fox's-lane, all which sewers have a connection with each other. And we present and say, that the present sewers are insufficient to carry off the land and waste water of the level, owing partly to the removal of the ancient sewers, by the formation of the London docks, and partly to a great number of erections and buildings which have been set up, erected and built, and still are erecting and building on each side of the whole line of the Commercial road, and between that road and the back lane, and in other parts and places towards the north of Ratcliffe-highway; and in consequence and by means thereof, a vast increase of water is thrown into the large sewer called the Man in the moon and the Bull's-head sewer, and which forms a connection in Wapping-marsh, and are not of sufficient capacity and dimensions to retain and carry off the great quantity of water which flows into them, particularly after heavy rains; and

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the overflow and inundation which ensues, is highly detrimental to houses and other property there situate, and renders many of the houses uninhabitable, and occasions great loss and inconvenience to the proprietors and inhabitants. And we submit to the wisdom of the court, the consideration of the best remedy for such overflow, at the same time suggesting, that it appears to the jurors, that the most effectual relief will be afforded by the formation of a new sewer, running from east to west, in the direction of Ratcliffe-highway, which would take off the whole of the increased water from the northern part of the district, and thus afford great relief to the level grounds."

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This new sewer at Ratcliffe-highway, is the consequence of new buildings?—Yes.

If those new buildings had not taken place, would that new sewer have been absolutely necessary?—Perhaps not to the same extent.

Have you rated the whole district to this new work?—We have not made any rate; the jury have presented such parts as are likely to receive benefit, or avoid damage, and on this principle they have excluded the whole of Hackney.

Why have you not rendered the whole of the owners and proprietors of the new buildings which have made this great drain at Ratcliffe highway so necessary, exclusively liable to the expense?—Because the old and the new houses are benefited by it.

Can you state the proportions of this expense falling on the new buildings, and falling on the old ones?—I cannot discriminate, but both are found liable to be rated, and both are benefited.

Can you state it in point of extent?—I should think the old buildings which will be benefited, are considerably larger than the new; but the new neighbourhood has rendered the creation of a new sewer imperative; they might have got on perhaps without it, or at least with a new sewer of much less extent.

In truth and in fact, then, the major part of the cost of this new sewer, which has been occasioned by these new buildings, is paid by the old inhabitants?—No doubt of it; the expense of the new sewer, and of the cleansing and repairing of the old sewers, are all comprehended in one general assessment, with the exception of Hackney.

Is it complete?—No, it is about half done.

What is the rate you have laid?—We have laid no rate at present for the expenses of the new sewer.

You have been 20 years in this situation of clerk and solicitor?—I have.

From your own experience, what new or additional powers do you think are necessary?—I think it would be desirable that an authority should be granted to the commissioners of sewers for the Tower Hamlets, where we have no local act, to construct new sewers, where the court of sewers shall find the same to be necessary, and to carry them through private grounds, rendering recompence to the individuals through whose property they may pass, either by arbitration, or by a jury to be summoned by the sheriff; the authority for these proceedings, under the existing laws, seems very doubtful: secondly, a power to enter into contract for new works, and for cleansing and repairing the existing sewers; this, I conceive, should be done by fair and open competition, by public advertisement: thirdly, that all vestry clerks within the district should be compelled, within a given time, to supply a copy of the poor's rate, and to afford an inspection of their parochial books: fourthly, an authority to include various defaulters in one distress warrant, to be signed by six commissioners: fifthly, that the books containing the orders and proceedings of the court of sewers, on being signed by the chairman, be rendered good evidence in any court of law or equity, which would afford us great facility in any trial: sixthly, it frequently happens, that after a rate is made, the tenant in possession quits the premises before the rate can be demanded or received; it appears desirable that power should be given to the commissioners in such a case to alter the rate-book, so as to make the actual occupier subject to the assessment, and more especially, as in many instances the landlord cannot be resorted to. We make a rate on certain houses; before the rate can be brought into operation there is a new tenant comes in, whose name is not mentioned in the rate book; I apprehend it is a trespass to go upon the new tenant, because the former tenant is the person rated.

You have stated, you are in the habit of dining upon the meeting of the courts and committees; how is that expense defrayed, and what is the amount?—The expense is defrayed out of the general fund of the commissioners; the average annual amount may be from two to three hundred a year. In the local act for the Holborn and

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Finsbury sewers, there is a regular sum allowed for this purpose; ours is fluctuating, and contingent, according to the number of commissioners who may attend.

When a rate is determined on, are not persons appointed to collect it?—Yes, generally, persons resident in the particular parish.

Who appoints them?—They are appointed by the full court, and enter into security with a surety, in a sufficient penalty, to secure the amount of the collection; part of the condition of the bond is, that as soon as they have received 50*l.* they shall forthwith pay the same to the account of this commission, into the Bank of England, where our money is now kept, and has been, ever since the failure of the house of Mainwaring and Company, who were our bankers; these collectors are compelled to make a return monthly of all the money they have collected.

How are they paid?—They are paid by a poundage, at the rate of sixpence in the pound, which we have thought, considering the extent to which they have to go, and the small sums they collect, too small, and it is now in contemplation to give them a better encouragement, by an increase of poundage, as is the case with the other metropolitan commissions.

What means have you of knowing that they regularly collect the rate, and account for it?—Because they make a return monthly; at every meeting of the committee they make a return.

In case of deficiencies, where they have received more than they have paid, what is your remedy?—Then we sue the surety on the bond, and if we do not take a sufficient surety, or in a sufficient penalty, that is our fault.

Has there been much deficiency during your time?—No, I think we have never lost any money by a collector.

If there has been a deficiency on the part of a collector, it has been satisfactorily recovered from the surety?—Yes.

Who nominates the collectors?—They are regularly nominated by the full board, and selected from amongst the inhabitants of the parish; it is done by vote.

What was your loss by the failure of Mainwaring's house?—I think it was between three and four thousand pounds.

When a rate is made, and there is a complaint that an individual is overcharged in the assessment, what course do you pursue?—We inquire first how they are assessed to the poor rate, and if, on producing the poor rate receipt, it appears that the sewer assessment is higher than the poor rate, we instantly reduce the sewer rate to a parallel with the poor rate, conceiving that the poor rate is the most equitable rate, that having been parochially agreed to.

Before whom is this heard?—The greater part of these hearings of defaulters to the rate takes place before the standing committee, of whom three are a quorum; the complainant is regularly heard; all he has to urge is heard by the committee; if they find good ground for his complaint, he is relieved, and the collector very frequently receives the mitigated rate at the hearing.

After this, what is your process if he does not pay?—Conceiving it doubtful, whether the committee is authorized to issue a distress warrant, those cases where no relief can be granted are referred over to the court of sewers, when previous to the issuing of any distress warrant, the defaulter is summoned again, and then if he does not show sufficient cause to the court, a distress warrant is issued by the authority of the court.

Have you in the course of your experience, had a great many of those warrants of distress issued?—Yes, we are obliged on every rate to issue many distress warrants, but they are very seldom executed; the collector is obliged to show his warrant, and then the individuals pay.

Do you think that prompt payment, upon a distress warrant issued, may not be very often with a view to avoid further expenses of litigation?—I should think so.

The sums are generally very small?—Yes, they do not choose to enter into a contest about it; but I think, in general the rates are very equitably laid on in our district.

You have stated, that you consider all persons liable to the rate, who either derive a benefit or avoid damage; have you had any appeals on either of those grounds?—Yes, we have, and the answer of the court in general has been this; "you have been found liable to be rated, as either receiving benefit or avoiding damage, by a grand jury of sewers duly charged and sworn, therefore we cannot enter into that discussion, because it has been already decided on by a jury, who are alone competent by law to decide that question."

Can that presentment be traversed, and if so, by whom?—It may be traversed in the

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the court of sewers; and in that case, we must issue a new precept to the sheriff, to impanel twenty-four persons from the body of the county, when the question of receiving benefit or avoiding damage would be decided in a court of sewers, in the presence of the chairman and commissioners, who would then be the judge of the court. The practice in the court of sewers, resembles that in the quarter sessions, as much as it is possible there can be a resemblance between a criminal offence and a question of assessment, and it is so stated by Callis, page 216.

Have those traverses been frequent?—No, we never had one; but in East's Reports there is a case, the King against the Justices of Somerset, which shows that the practice has not been abandoned altogether; the usual remedy has been to go into the court of King's Bench in the first instance, by an action of trespass against the collector, which places the commissioners of sewers in the situation of being obliged to show that all their proceedings are regular, and that the party has received benefit or avoided damage; the *onus probandi* is upon the commissioners.

Do you recollect any case of appeal to the court of King's Bench, from your sewers?—Yes, two or three.

What were they?—There is the case of Dore and Gray, 2d vol. T. R. and the case of a Mr. Warren, a gentleman resident at Limehouse, within our jurisdiction; a distress warrant was executed upon him, and he brought his action in the court of King's Bench against the collector; he grounded his case upon his property being so much above the sewer, that he could receive neither benefit nor injury from it; but a point of evidence, namely, the jury process on which the presentment was founded not being in court, the late Lord Ellenborough, who presided, doubting whether the presentment of the jury not having been traversed, was not an answer to the action, and thinking the production of the jury process extremely material, to show that this was not a standing jury, which he highly reprobated, ordered a special case; the action was afterwards compromised: we had another application in the court of Chancery from the same parish, that the existing commission might be superseded as far as respected them, on the ground that they were more than two miles from the city of London; and they also prayed for a separate commission of sewers for their own district: the Chancellor dismissed their petition with costs.

Those references are in consequence of the doubts arising amongst parishioners, whether they derive benefit or avoid damage?—Certainly, that was the case.

Do you not apprehend, that in such an extensive jurisdiction there might be more of those appeals, if it was not for the expense attending them?—I have no doubt that the expense and uncertainty attending the instituting an action in the court of King's Bench, deter many from proceeding, who would otherwise perhaps be disposed to litigation; there was an application made within the last twelve months to the vice-chancellor, by the inhabitants of Ratcliffe, to restrain the commissioners from proceeding on the works of the new sewer, on the ground that they had never been assessed, and that there was no public necessity for the sewer coming through the hamlet of Ratcliffe; the vice-chancellor decided, that the evidence proved that the works were necessary, and that the commissioners were the best judges of the fact, whether they were so or not, and dismissed the petition with costs.

At what distance from the work going on is the calculation made by the jury, whether parishioners will derive benefit or avoid damage?—The jury are alone to decide upon that fact; the words of Callis, in his writings upon that subject, are as follow; "If a new sluice, gote or other defence is to be erected, built and made, or a new sewer, gutter or trench, to be cast, this may be determined of by the view and survey of the commissioners, and so may the aptness of the places where they are to be set or cast, and the length, heighth, breadth and depth of them, for these things are proper for a view and survey; but what persons hold lands and tenements within the level, which are fit to be chargeable thereunto, and the quantity of their lands, are to be inquired of by a jury."

To what extent of distance have you levied the rate for the new sewer in Ratcliffe highway?—In levying the rate for the new sewer in Ratcliffe highway, we have extended the taxation northward as far as Spital-fields, Bethnal-green, Mile-end New Town, Stepney, and Limehouse; perhaps the furthest extent northward would scarcely be a mile from the sewer; we have excluded the whole of Hackney.

What do you think of the competency of the jury, in point of scientific knowledge, who are sworn in to take a survey of the premises where new works are intended, and consequently make a presentment?—One thing should be observed, that whenever the jury are out on those surveys, the surveyor of the court of sewers, as well as the other officers of the commission, are in attendance upon them; therefore, if they

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have any question of science to propose, he is ready to answer it; they are also previously charged by an intelligent chairman, as to the points to which their inquiry is to be directed. Their presentment is in no respect conclusive; it may be traversed by any party that may think himself aggrieved; nor are the court of sewers bound to adopt it, if they think it at all erroneous or irrelevant. The jury are not selected by the court of sewers, whether they are competent or not; the commissioners of sewers have no authority over them; they are summoned from the body of the county by the sheriff.

Have you got the panel of any one jury here?—I have; the names of the jurors are contained in the printed book now produced, annexed to the presentments, page 26.

Have you any where a list of the jury who have made a presentment upon your present work; the sewer you are now executing?—Yes.—[*The witness presented the panel.*]

It appears by this list that Christopher Fryer is the foreman; of what profession or trade is he?—He is a director of the Eagle Fire office, residing in Fox's-lane, Shadwell, and is churchwarden of that parish.

Thomas Burford; who is he?—He is a paper-hanger in Ratcliffe-highway.

Daniel Hill?—He is a respectable inhabitant of the parish of St. George.

William Irish?—William Irish is not in any business; he was commander of a trading vessel.

Parker John Harrison?—He is an inhabitant of the parish of St. George.

Do you know of what profession?—I think he collects the King's taxes.

Thomas Staples?—I do not know Thomas Staples.

Clark Stanley?—Clark Stanley, I believe, is not in any business; he is an inhabitant of the parish of St. George.

J. B. Hutchinson?—He is a tailor in Wellclose-square.

James Crighten?—I do not know him.

Thomas Bruford?—Thomas Bruford is dead.

What was he?—I do not know what he was.

John Trulock?—I do not know him.

Robert Lewis?—Robert Lewis is a wholesale ironmonger in Wapping.

John Hammak?—John Hammak is a surveyor.

William Joseph Farmer?—He is a respectable inhabitant of Limehouse; I think he was a baker, but he has been out of business for some years.

F. W. Brown?—He is a shoemaker in Ratcliffe-highway.

Abraham Gale?—He is a gentleman residing in Shadwell.

G. W. Scudder?—He is, I believe, a sugar-baker.

John Symonds?—He is a builder.

William Boulnois?—I really do not know what he is.

J. Hows?—He is an inhabitant of Shadwell.

When they are sworn in before the court, does not the chairman instruct them in the duties they have to perform?—Yes, he does.

You have already said that the officers of the court attend them?—Yes.

Do those officers furnish them with the plan of the premises which they have to inspect, for their information?—The maps of the sewers are very old, and consequently very defective; but those maps are always carried with the jury, and are always ready for their inspection; they are no otherwise defective, than that there are a great many additional buildings and streets formed since those maps were made.

Then they are not defective, but incomplete?—They are no otherwise defective than being incomplete, from the reasons I have before stated.

The result then, is this; in truth and in fact, the presentation of the jury must depend almost exclusively on your own surveyor?—The point submitted to the jury was not, whether the situation of the new sewer, or the mode in which it was constructed, was eligible or not, or the best that could be devised; but the question for their consideration had no science whatever in it, and was not connected with science; it was merely the fact of who derived a benefit or avoided a damage, by the works about to be constructed, for it was the province of the commissioners and not of the jury, to regulate the position of the new sewer, and the manner in which it should be constructed; that will appear by looking at the preamble of this presentment, which is in the following words:—"Presentments made by us jurors, duly charged and sworn, to inquire and present for our Sovereign Lord the King, what landlords, owners and occupiers of houses, lands, tenements, hereditaments, and premises, within the jurisdiction of the court of sewers for the Tower hamlets, (excluding

(excluding St. Catherine's and Blackwall marsh,) in the county of Middlesex, are liable and ought to contribute and pay for and towards the expense and charges of making, forming, building and completing a new sewer, commencing at Stone-stairs, in the hamlet of Ratcliffe, and running westward along Upper Shadwell and Ratcliffe highway, and ending at Neptune-street, Wellclose-square, within the limits aforesaid, &c."

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The committee are to understand, then, that the surveyor of the commissioners uniformly attends those juries?—Always.

Do the board of commissioners every act without their surveyor?—Never; the surveyor is present at all meetings of the court, and of the committee.

Who is your surveyor?—Our surveyor is Mr. James Beek, of Cambridge heath, Hackney.

How long has he been surveyor?—Seven years, at least; but previously to his becoming surveyor, he had been a commissioner of the court of sewers, for a great many years.

Who was surveyor before him?—Mr. Goff, of Wellclose-square.

What is the fixed salary?—The fixed salary is now 280*l.* a year, without any fees.

When the annual or quarterly accounts of this commission are settled, who are they settled by, examined and decided upon, and audited?—All accounts of the court of sewers are audited first by the committee, who examine all vouchers, and who report thereon, specially, to the court of sewers.

It has appeared from many answers which have been given to questions asked, as to the practice of the court, whether they have not trenched upon the law, from convenience or necessity, for the purpose of supporting their establishment, and exercising the powers of their commission, and in virtue of the powers granted by the 23d of Henry the 8th, so as to exercise the powers of their department with effect and advantage to the public?—I should think it extremely doubtful, whether the standing committee, or any committee appointed by a public board, or even by the court of sewers, can legally do any judicial act, and on that account, I should apprehend, that it is not competent for a standing committee of sewers to decide on the petitions that are presented to them, and that the utmost that they can legally do, is to recommend those petitions being granted or rejected, and that the court must ultimately decide what is fit to be done with those petitions; and with respect to the hearing of defaulters, which is a still more material consideration, it is very doubtful whether they have even the power to relieve a defaulter. Certainly, a hearing before them would not, I should conceive, authorize the issuing of any distress warrant; the right of every person rated to be heard, before a distress warrant can issue, has been held to be law ever since the case of The King, *v.* Behn and Church, in the 6th vol. Term Reports, and has been uniformly acted upon; but this power can only be exercised by a competent jurisdiction.

From your long experience in the department of sewers, and your competent knowledge of the powers of the commission under which you are acting, and the provisions of the 23d of Henry the 8th, c. 5, do you not think, that the whole law requires revision, and additional powers for the public service, and that the present powers and provisions are incompetent and ineffective?—I certainly do think, that a revision of the existing laws would be extremely beneficial, and that some additional powers and authorities are necessary for the well-ordering and prosperity of commissioners of sewers; in fact, the commissioners are frequently compelled to act upon expediency, in cases in which it appears the law will scarcely bear them out.

Will you have the goodness, against the next meeting of the committee, to prepare a statement of what additional powers you think will be competent?—I will do so.

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*Martis*, 11° *die Martij*, 1823.

## PETER MOORE, ESQUIRE, IN THE CHAIR.

Mr. *John Wright Unwin* again called in; and Examined.

Will you have the goodness to state any additional powers you think necessary?— I have conversed with Sir Daniel Williams, the chairman of the sewers of the Tower hamlets, and the Holborn and Finsbury division, and I reported to him this intimation (11 March.)

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mation from the committee; he seemed to be of opinion, that it would be better that there should be a meeting between himself and some of the commissioners of the two commissions, with the clerks of those commissions, and that the subject should be thoroughly discussed, and such alterations and improvements upon the existing laws as might be found necessary, should be then agreed upon and submitted to the committee. In the mean time, in obedience to the orders of the committee, I have considered of one or two other points, in addition to those I have already mentioned, as proper to be submitted to the committee; they are as follow: I think it would be very desirable, as is the case in the Holborn and Finsbury local act, that Parliament might authorize, to a certain extent, the payment of tavern expenses; the ancient statute allowed four shillings to each commissioner for his attendance, but no more; probably that four shillings, in the time of Henry the Eighth, was more than equivalent to the expense of a commissioner's dinner; now I think also, it might be desirable that a power should be given to the commissioners of sewers, to compound with the landlords of small houses let in lodgings, or not exceeding the value of 15 or 20 pounds per annum; the rates cannot be recovered from the tenants of such houses, and this mode of composition with the landlord does not appear to be authorized by the statute of Henry VIII, chap. 5.

Do you consider the present qualification of commissioners adequate to the importance and responsibility of the authorities exercised by the commissioners of of sewers?—I should think, under the ancient statute, they are very inadequate now.

What alteration can you suggest, that you think would be adequate to the duties which they perform?—I should think, there ought to be a considerably larger income arising from freehold estate, and a larger sum as to personal estate.

Do you not, at the same time, think that it is necessary to hold out some better inducement than a dinner, to induce them to attend to those important duties?—I should hope, a great many are induced purely by a desire to promote the best interests of the public.

Will you have the goodness to give in a list of the commissioners acting under the present commission of the Chancellor, with their respective designations.

[*The witness delivered in the same, which was read, as follows:*]

1. " Sir George William Denys, baronet.
2. Sir Daniel Williams, knight, Stamford-hill.
3. Charles Lush, Hoxton-square, solicitor.
4. William Mainwaring, dead.
5. Thomas Newson.
6. Carsten Rhode, dead.
7. William Horton, Cheapside.
8. Hammond Crosse, dead.
9. John Marshall, Shoreditch, grocer.
10. Newell Connop, Enfield, esquire.
11. Samuel Jackson, magistrate, Tottenham.
12. Richard Radford, dead.
13. George Byng, esquire, M. P.
14. John Gant, Shoreditch, esquire.
15. Stephen Wilson, Mills-street, ribbon-weaver.
16. George Bolton Mainwaring, late treasurer to the county.
17. Thomas Mashiter Hornchurch, esquire.
18. John Jones Holman, Kennington, esquire.
19. William Mellish, Shadwell-dock, esquire.
20. Robert Helme, Walthamstow, esquire.
21. Mark Beaufoy, Stanstead, esquire.
22. Octavius Mashiter, Romford, esquire.
23. John Curtis, surgeon, Whitechapel.
24. John Read, distiller, Charter-house-square.
25. William Forsteen, East India-house.
26. Charles David Williams, Stoke Newington, esquire.
27. Major Rhode, dead.
28. Edward Mason.
29. David Henry Stable, clerk to Holborn and Finsbury sewers.
30. Robert Brook Wilson.
31. Benjamin Cock Richmond, esquire, magistrate.

32. Thomas

32. Thomas Windle.
33. Samuel Page, surveyor to Holborn and Finsbury sewers.
34. Charles Stutfield, Ratcliffe-highway, wine merchant.
35. James Collins, solicitor, Spital-square.
36. Robert Vaux, Tottenham, esquire.
37. James Aspinal, Chancery-lane.
38. George Fox, Shadwell, esquire.
39. Thomas Armitage, dead.
40. William Mellish, late M. P. Ilford, Middlesex.
41. Henry Merceron, 36, Wellclose-square.
42. Thomas Taylor, Shoreditch, solicitor,
43. Robert Simpson, Shoreditch, esquire.
44. Peter Reuvoize, Bethnal-green, esquire.
45. William Millar, same.
46. Richard Gray, East Smithfield.
47. John Holloway, dead.
48. Robert Batson, Limehouse, esquire.
49. Alfred Batson, same.
50. Thomas Drane, same.
51. George Jackson.
52. George Turner.
53. James Sander, Tottenham, esquire.
54. Nicholas Charrington, Mile-end, esquire.
55. Thomas Lester, Shadwell.
56. Jacob Sims, Chingford, Essex, esquire.
57. James Sims, Albany, esquire.
58. Charles Webster Glynes, East Smithfield, solicitor.
59. Richard Preston Pritchard.
60. William Dixon, St. Catherine's, esquire.
61. Stephen Thomas, same place.
62. William Sims, Harlow, Essex, esquire.
63. Charles Hampden Turner, Rook's nest, Surrey, esquire.
64. William Bayne, Mile-end, esquire.
65. John Roebuck, same, esquire.
66. James Griffiths, dead.
67. Robert Helme the younger, Wapping, merchant.
68. Thomas Longbottom, Shoreditch, esquire.
69. William Powell.
70. Peter Mallard Woodford, esquire.
71. John Hartshorne, Wapping, esquire.
72. John Jones, junior, Gracechurch-street, esquire.
73. David Lewis Parry Knight.
74. Richard Williams, Mile-end-green.
75. Richard James Allen, Leman-street, esquire.
76. Thomas Warburton, Hackney, esquire.
77. Richard Daun, dead.
78. William Rhodes, Kingsland.
79. James Nicholson Collyer.
80. Thomas Rhodes, Kingsland.
81. George Gaviller, Hackney, esquire.
82. Luke Thomas Flood, Chelsea, esquire.
83. Tom Flood Cutbush, Whitechapel, esquire.
84. John Craven, Whitechapel, sugar refiner.
85. John Orange.
86. Thomas Brown, Mile-end, esquire.
87. John Jones, Gracechurch-street, apothecary.
89. David Richardson, Wellclose-square, esquire.
90. James Wilmot Lush, clerk to Holborn and Finsbury sewers.
91. Matthew Warton, surveyor, Ratcliffe.
92. Matthew Warton, junior, same place.
93. Edmund Goodhart, Mile-end, sugar refiner.
94. Richard Barrett, Stepney causeway.
95. Samuel Billingay, Plaistow, esquire.
96. George Tarrington, Mile-end-road.

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97. Samuel Wright Alister.
98. Daniel Matthias, rector of Whitechapel.
99. Hugh Parnell, Spitalfields, solicitor.
100. Henry Stratton, Shoreditch, solicitor.
101. John Burnell, Whitechapel, esquire.
102. Edward Meyruhe, Spitalfields, esquire.
103. William Hale, same place, esquire.
104. James Benson, same place, esquire.
105. Peter Denys, dead.
106. Peter Kendall, Walthamstow, esquire.
107. James Helme, same place, esquire.
108. William Horton, the younger.
109. Joseph Hamblin, Spitalfields, esquire.
110. William Unwin Sims, Hubbard's Hall, esquire.
111. Thomas Gale, Epping Forest, rope-maker.
112. Robert Simpson, the younger, Shoreditch, esquire.
113. John Marshall, the younger, same place.
114. Philip Chabot, Spitalfields.
115. George Fournier, city of London, esquire.
116. Charles Chapple.
117. James Benson.
118. John Castle Gant, lieutenant-colonel Tower Hamlets militia.
119. James Gale, the younger, Epping Forest, esquire.
120. Nicholas Charrington, the younger, Mile-end, esquire.
121. John Prested.
122. William Sharp Handasyde, Wellclose-square.
123. Matthew David Easam, Stepney, rope-maker.
124. Robert Barnes, dead.
125. James Peppercorn, Mile-end, esquire.
126. James Green, Leman-street, esquire.
127. William Steinuretz, Limehouse, sugar refiner.
128. James Edwards.
129. Thomas Carr, Spital-square, esquire.
130. George Wildboar.
131. William Wade, dead.
132. Charles Rich, Ratcliffe-highway, esquire.
133. John Coward, Mile-end New Town, esquire.
134. Isaac Bird, Globe-lane, esquire.
135. John Compton Bishop.
136. William Gibbs, St. Catherine's, esquire.
137. John Filstone, esquire, East India House.
138. Joshua King, rector of Bethnal Green.
139. Thomas Thirlwall, Clerk, rector of Bowers Gifford, Essex."

Mr. *Unwin.*—I also think it would be a very desirable measure, that public notice should be given of the days of holding the full courts of sewers; it may be proper to observe, that several of these defects are remedied by the local act of the Finsbury division. I think also, a yearly account of the whole receipt and expenditure and the balance struck, should be annually printed for the use of the commissioners, as pointed out in Sir Daniel Williams's printed regulations.

Do you see any objection to exposing the annual account to the inspection of all who are liable to a rate, for their occasional inspection?—No, certainly not; I think it would be a great improvement, and tend to dissipate every source of dissatisfaction, should any arise.

Have you an account of the rates collected for the last twenty years, and the expenditure during that period?—I have; there were only two rates made under the commission of 1802, which lasted for ten years, amounting to 23,056*l.* 13*s.*; two rates were made under the ensuing commission of 1811, amounting to 26,565*l.* 14*s.* 11*d.*; one of those was a shilling rate and the other a four-penny rate; these sums make together 49,622*l.* 7*s.* 11*d.* Four general rates were made during the last twenty years at one shilling in the pound, and one rate at four-pence in the pound, with the exception of two particular districts, namely, that of Tower Hill, in the year 1803, which was assessed at two shillings in the pound, to defray the expenses of a local act of Parliament in that district; and in the same year a rate of

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of three shillings in the pound was made on the Limehouse district, for defraying certain law expenses, &c.; the amount actually collected during the last twenty years was 38,365*l.* 1*s.* 5*d.*; there was paid for works, during the period of twenty years, 22,293*l.* 6*s.* 5*d.* for works on the sewers; for salaries annually, 327*l.* 7*s.*; no rent and taxes were paid until the year 1822: when the new court-house was taken, the office of sewers was conducted at the clerk's house without expense. The amount of contingent expenses annually, upon the average of twenty years, under the different heads, including tavern expenses, are as follow; contingencies, including tavern expenses, already mentioned, at per annum for twenty years, 165*l.* 14*s.*; occasional services, 12*l.* 7*s.*; stationery and printing, 5*l.* 16*s.*; office expenses, 8*l.* 19*s.*; law expenses, 44*l.* 18*s.*; parliamentary ditto, 1*l.* 9*s.*; copies of parochial assessments, 28*l.* 4*s.*; jury expenses, 31*l.* 17*s.*; over-payments returned to collector, 8*l.* 14*s.*; purchase of exchequer bills, 656*l.* 12*s.*; old debts, 57*l.*; surveying, drawing plans, &c. 8*l.* 14*s.*

You have stated in your former examination, that you thought that rating a parish according to the poor rate, was a very equitable mode of assessment, because the rate was made at a public vestry; do you think that the best criterion for assessing the sewer rate on all the parishes in the district?—The commissioners of sewers are bound to make a uniform rate upon the whole level, at so much in the pound, upon three-fourths or four-fifths of the rack-rental of all the property to be assessed; but almost every parish has a different mode of rating; some of the parishes, in making the poor-rate, assess the property rated at one-half the value, or rack-rent; others at four-fifths of the rack-rent; it makes no difference to the particular parish what the ratio of the rating is, because they must raise a certain sum of money for the expenses of the poor, and whether it is upon one-half of the value, or four-fifths of the value, it comes to the same result, for they make a rate at so much in the pound, at four, five, or ten shillings, according to the sum required; but in making the sewer rate over the whole district, at sixpence or a shilling in the pound, it is necessary, in order to make the rating uniform and equal, that all the property should be assessed in the same proportion, as for instance, if the parish of Whitechapel is assessed at one-half the value (the rack-rent), and the adjoining parish of Spitalfields is assessed at four-fifths of the rack-rent of the property, this would be a most illegal mode of rating, because one parish would pay too much, and the other too little, and consequently, laying a sewer rate over the whole district, upon the same principle of rating as the poor-rate of each particular parish is assessed at, is illegal, because unequal. It is very essential to us, that the copies of the poor-rate should be obtained, for this reason, that it is easy to ascertain, upon the inspection of each particular return, what the principle of assessment was in each parish, and then having ascertained the ratio, we have only to lower it in some cases, and raise it in others, and then a uniform rate is obtained.

Will you have the goodness the explain the item of expenses of juries, in the account delivered to the House of Commons in the last session; whether those are the expenses attending the general juries, when the assessment is ordered, or occasional juries for particular specific purposes?—We have never had any traverse juries in the Tower Hamlet sewers within my recollection; the expense of juries alluded to in the account presented to the House, were tavern expenses of the juries, which are summoned previously to making the rate, and on whose presentment the rate is founded; the average expense for the jury, in making the rate, is about 150*l.*; previously to the rate being made, we summon two juries, one for the Wapping Level district, and the other for the Spitalfields district; the two juries survey the whole level; those juries are out for five or six days each, before their view is complete.

When those juries are impanelled, in your former evidence you have said, they receive their instructions from the chairman, at a meeting of the court; is there any particular charge laid down in general for such instructions?—I have the form of a charge delivered to the jury of sewers, by the chairman, in July 1818, and which was repeated, nearly in the same words, in 1821; that charge is in the following words:—"Gentlemen of the jury; the object of your attendance here will require but a short explanation; your duty is to inquire and make true presentment of all impediments, defects, defaults and annoyances of or in the walls, banks, ditches, gutters, sewers, gotes, causeways, bridges, streams or other defences within your view, comprehending Spitalfields, Hackney, Mile-end Old Town, Mile-end New Town, and part of Limehouse; and whether the same arise from the want of cleansing, repairing and amending the walls, sewers, banks or other defences, or from

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nuisances and annoyances committed by any person or persons, and the name or names of such person or persons; also, who are bound to the repair, by any custom or prescription; whether any of the sewers require enlarging, for the better drainage of the water; and whether any new drains or sewers are required, but which cannot be made but in some urgent necessity, as where the old sewers have become insufficient to carry off the waters, or where new sewers have become essential for the purpose of inhabitation; and it will be your duty to present the defects of all sewers of a public nature which drain the level, and discharge themselves into the Thames, or any navigable river within the jurisdiction, and all public sewers or drains, which have been cleansed by private individuals, if the same shall be defective, all being subject to the jurisdiction of this court, though the individuals may be bound, by their engagements to the court or otherwise, to perform the repair. You are also to inquire and present what landlords, owners and occupiers of lands, tenements and hereditaments, are liable to be rated and assessed to the repairs and necessary works, and other expenses within your particular district or view, who shall receive benefit or avoid a damage from the sewers and other defences, and from the works to be done on the sewers there; and this upon a consideration of the general and public utility of the sewer laws, for the defence and drainage of the level, and removing the causes of pestilence; not confining the liability to those who live immediately contiguous to the sewers, but according to the words of the statute, to them who have or may have any hurt, loss or disadvantage, by any manner of means, as well near to the said dangers, loss and impediments, as inhabiting or dwelling thereabouts, and who, to use the words of a learned Judge, "are or are likely to be benefited by the works to be done." Gentlemen, in order to give you sufficient time, the court will adjourn to Thursday the 27th day of August next ensuing, at two o'clock precisely, at this place, on which day and time you will be prepared to deliver in your presentments, meeting the first time at this place, on the 17th of August, at ten o'clock precisely, and adjourning yourselves from time to time, until your inquiries are finished." —This charge is derived either from the acts of Parliament, or from the expressions of the learned Judges.

Did this charge meet the approbation of the court?—I have every reason to think it did.

Is it still continued to be acted upon?—It is.

From what class of subjects are the juries generally impanelled, and have they any and what qualification, as necessary to those juries?—No questions are asked as to the qualifications; they are persons fairly summoned and impanelled by the sheriff, from the body of the county; we issue a precept, calling upon the sheriff to return forty-eight good and sufficient men of his county, on such a day; that is signed and sealed by six commissioners in open court.

Are you certain that not less than twelve look at the works?—I am certain there are never so few as twelve; there are generally eighteen.

Do they never divide and look at two works at the same time?—Never, the surveyor is with them, with the maps and plans; it is my duty also to be with them, and I am always with them too; they keep together, and the business is conducted with the greatest propriety.

Are they open to challenge?—Yes, they are, but I have no recollection of any having been challenged.

Are they ever fined for non-attendance?—No, we have found no necessity.

Do you think this jury essential to the public service?—I think the points submitted to the jury, and the duties which they have to perform, cannot be executed in any other mode so satisfactorily as by a jury, for it is plain the court of commissioners could not make that minute and impartial view; I think, that it cannot be done satisfactorily by a court of commissioners, still less could it be done by a committee, and still less by the surveyor or officer of the court; but I may be mistaken, for there are commissions of sewers who have no juries.

Is this a standing jury for the whole commission, or is it summoned indiscriminately by the sheriff, when called for?—Standing juries are held by the court of King's Bench to be illegal; these juries are for a given purpose, and it is upon their presentment the rate is made; they view the state of the sewers, and upon that view return who ought to be assessed, as receiving benefit or avoiding damage; and as soon as the object for which they are summoned is completed, that is as soon as they have made their presentments, they are then discharged.

Are they discharged in open court?—Yes, they are discharged in open court, on delivering in the presentment.

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Is the panel called over before the delivery?—Yes, the foreman gives it in, just as they do at the sessions with their bills of indictment; they receive thanks for their services, and are discharged.

Those juries are paid by a dinner?—Yes, by a plain dinner.

How is that managed?—The view generally takes from four to six days, the jury dine at some house contiguous to where they finish for the day, the bills are collected, when the survey is over, they are handed up to the standing committee, they are audited, and their expenses paid generally to the foreman of the jury.

Do you know of any commission of sewers, who act in any other manner when they make a rate?—I believe that the city commissioners of sewers act without jury; in the Holborn and Finsbury districts, where they have a local act, there are no juries; but in the Westminster district, I believe, they have a jury.

The whole powers by which you act are constructive, and would be completely inoperative, unless practised through the medium of a jury?—I should think, where the office of jurors is abolished, there is a complete subversion of the ancient law of sewers.

In that case, would not the *onus* rest with the commissioners, and would it not be incumbent upon them to make a presentment, who were liable to be rated, as receiving a benefit or avoiding a damage from the works done to the sewers?—I certainly conceive, that must be the effect.

Would not the commissioners in that case have to make a presentment to themselves?—In order to make it at all legal, I should conceive, they ought to view and survey the sewers themselves, and to present to the court, which in that case, would be to themselves.

Then you think the medium of a jury absolutely necessary to this service, and the best mode by which the public service can be maintained?—I am not aware of any other means by which it can be effectually done than by the view of a jury, or by the commissioners themselves; it is said in Callis's Readings, that the commissioners of sewers may act in two ways, either by view and survey, or by jury; and he points out the distinct duties of each. It is the province of a jury alone, according to the doctrine laid down in that work, and also by the statute, that a jury shall present who is liable to be rated as receiving benefit, or avoiding a damage from the works; the statute says, that "it shall be upon the oaths of good and lawful men."

Suppose a man is returned for an embankment, and he refuses to put it into repair, what is your course?—Then there is an order of the court that he shall do so, which order is served upon him; and if he does not comply with it within the time specified in the order, he is then fined for a contempt of the court, which fine is estreated into the court of Exchequer, and recovered as all fines to the Crown are. "There is no question; a man be fined by the court of sewers, for not obeying their order or decree."—Callis, page 172.

Suppose he resists the payment of that fine?—Then it is levied by the sheriff, having been estreated into the court of Exchequer.

Does it not occur to you, that by inflicting this fine without the intervention of a traverse jury, you are doing an illegal act?—No, certainly not; it is incidental to all courts of record to fine or imprison for contempt; the commissioners may fine, but cannot levy; they must return it into the court of Exchequer; a jury has no concern in it.

Do you consider a man's refusing to do a work a contempt of court?—Yes, if there is an decree of the court for it.

Suppose a man warns you before you make the decree of the court, that you are doing an illegal act?—The warning does not make it illegal; it appears in Callis, that the court can always fine for a contempt of court where a decree was made, and I believe we can imprison.

Have you ever known a person imprisoned by the court of sewers?—No, I take it that must be for a personal contempt in court; if a man comes and make a disturbance, and prevents the commissioners proceeding in their court, he may be both fined and imprisoned for that.

Are you aware, that there are some courts who act under the statute of Henry 8th, that think two juries necessary, one in the nature of a grand jury, and the other in the nature of a traversing jury?—Yes, in all cases where the presentment of the jury is traversed, which it may be, because it is not conclusive upon any party who thinks himself aggrieved and traverses it, that traverse must be tried by another jury, to be summoned by the sheriff, which is called a traverse jury, and then the whole matter may be entered into; but if I felt myself aggrieved, I think I should not try a tra-

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verse in the court of sewers, because the presentment is made in that court; I would allow the collector to enter with his distress warrant, and bring an action of trespass in the superior court.

Who would be subject to the costs in that action?—The costs would follow the verdict; and in case the commissioners succeed, or the plaintiff in trespass is nonsuited, the statute gives treble costs to the commissioners, to be recovered from the plaintiff in trespass, which my Lord Ellenborough said, was "an anomaly in the law;" the statutes provides, "that in case of a verdict for the defendant or nonsuit, the defendant shall recover treble damages, by reason of his wrongful vexation on that behalf."

If the practice of carrying these acts into execution, through the medium of a jury, was abolished, by withdrawing the jury, the commissioners would have to perform all the various duties, namely; a view, a survey, a rate and a presentment, themselves?—Yes, it appears to me that must be the effect of it, but I am not certain; we have commissions of sewers without juries.

Do you think that in that case the commissioners who, it appears, are only paid for their labours and service by an occasional dinner, would undertake the service at all?—I should think the service would be very imperfectly performed in that case; they must rely principally on their surveyor.

Then you conceive that, be the power through the medium of the jury, or by the commissioners, the view is absolutely necessary, the survey is absolutely necessary, the rate is absolutely necessary, and the manner of enforcing it, which you have already described in a former part of your evidence, is also absolutely necessary?—I do think so, as the law now stands.

Is not the presentment indispensably necessary to sanction the rate, as a part of the same act?—It certainly is so by the ancient statutes.

The Committee wish you to state, as those juries are summoned indiscriminately by the sheriff, who, perhaps, till they come upon the spot, have no local knowledge, by what medium, or by what rule or examination do they form their survey, and determine on the rate?—They form their survey upon the charge delivered to them by the chairman of the court of sewers, which has latterly been printed for their use; they begin at the extreme point of the sewers, the point furthest from the Thames; they follow the public sewers through all their branches; they see where any nuisances have been committed upon them, whether they are in want of cleansing, whether they are in want of enlarging, and whether a new sewer is necessary or not, in consequence of an increase of population and new buildings, and this survey they continue till the sewers discharge into the Thames, or into some great river.

Are appeals against the rates frequent?—Very frequent.

How many are there, do you think, upon a shilling rate?—Several hundreds, who are summoned for default and warrants of distress occasionally issued.

What becomes of those distresses?—The distresses in that case are received by the collector.

Are they carried into force by him?—The money arising from the distresses is received by the collector, and paid to the commissioners.

Then, according to this general description of the exercise of the powers under the statute of the 23d of Henry VIII, c. 5. which is the principal statute for the regulation of the different commissions, for every new work that you carry into execution, you are liable to as many law suits as there are persons rated to pay the expense of it?—In making the new Ratcliffe sewer we foresaw the whole of this dilemma, and though we could have taken it by a shorter route to the Thames, through private grounds, we found a reluctance on the part of the proprietors to treat on reasonable terms, and doubting our powers to carry the sewer through private grounds, without an act of Parliament, we preferred carrying that sewer many yards further, in order to discharge it through a public highway into the Thames: the line originally laid down was through the East India company's warehouses; they consented at first; but afterwards finding that it would impede their works, they protested against it; we next intended to carry it down an alley into the Thames; there we had a whole host of watermen claiming compensation, who stated that their wives and families would be ruined; and a publican also declared, that he should entirely lose his business for several weeks; we next attempted to carry it through a wharf; the tenant in possession was willing to treat, but his landlord made strong objections: those different objections compelled us to discharge the sewer into the Thames through the public highway, at a considerable distance from the

the East India company's warehouses, which put us to a very considerable expense.

*Mr. J. W. Unwin.* (11 March.)

Then, in truth and in fact, you are liable to a law-suit for every person rated?—I think the law-suit would not be with the persons rated, but with the proprietors and occupiers of the land through which the new sewer passes; it being extremely doubtful, whether the commissioners have power to go through private grounds, and still more doubtful, in what way they are to render recompense to the proprietors. Callis puts it upon a very uncertain basis, by saying, that it depends upon the public necessity, and whether a new sewer shall be beneficial to the commonwealth, (*see* p. 103, in which the author thus expresses himself):—"But the last allegation on the contrary party is very forcible against this argument, that by the making and erecting of these new defences, the inheritances of private persons are thereby prejudiced, whereupon they be built; yet as Cato says, 'Vix ulla lex fieri potesquæ omnibus utilis sit, sed si majori parti proficiat, sufficit;' and therefore this objection I thus answer, that these new works are not to be undertaken, but upon urgent necessity, in *defence of the country*, or for the *safety* thereof, so that the *commonwealth be therein deeply interested* and engaged, and things which concern *the commonwealth* are of greater account in the law, than the interest of private persons;" which renders the question full of uncertainty; for in the case I mentioned before, the East India Company might have said, "It is equally beneficial to the public for you to go through the wharf;" and the wharfinger might have said, "Go through the alley;" and the watermen might have said, "You may equally well go to Ratcliffe-cross-stairs."

In cases of those variances, then you adapt your course to the best compromise you can, wishing and meaning and striving to meet the wishes of all parties?—Yes, to avoid, if possible, the delay and expense of litigation.

Here is an article in the account, returned on the 5th of August 1822, called "Over-payments returned to collectors;" will you have the goodness to explain the nature of that?—I do not know exactly what it is, but I believe it is something of this kind; it was found from the rate-books, during the last collection, that some of the collectors had got entries in their rate-books of the same person's name in two different collections; the consequence was, that the collector who ought to have collected in that particular parish, was obliged to return it to the other; it was a question in which parish some new-built streets were situated, and in making out the rate-book there was an error, and therefore one collector received money which he was obliged to turn over to the other.

By the printed return of rates made and amount collected, there appears to be a considerable balance uncollected; what does that arise from?—The deficiency arises from several sources; one is, the loss sustained by the failure of the house of Mainwaring; another is, from failures in the collection itself, for no rate can be thoroughly collected; a third cause is, the poundage paid to the collector for his trouble; and another is, the amount paid to the assessors for making the assessment, which is a work of considerable trouble; besides the collecting bond, the postage of letters, and other incidental expenses, which, together, form a considerable deduction in the collector's account of debtor and creditor.

Who decides upon the validity of the account current, when the collector audits his accounts?—The collector's account of debtor and creditor is submitted to the standing committee, and audited and decided by them.

Then if there are balances from persons not entitled to remission, what process do you adopt?—We always execute the distress warrant, unless where there are no goods, and where the poverty is so extreme that the distress warrant would be useless.

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*Martis, 25° die Martij*, 1823.

## PETER MOORE, ESQUIRE, IN THE CHAIR.

Sir *Daniel Williams*, Knight, called in; and Examined.

*Sir Daniel Williams.* (25 March.)

You are chairman of the Holborn and Finsbury division of sewers?—I am.

Have you a local act for those divisions?—Yes; the whole of those divisions are regulated by two acts of Parliament; the first is the 18th of George 3d, intituled, "An

*Sir Daniel Williams.*
(25 March.)

"An Act for making proper drains and sewers, for the purpose of carrying off the water from the prebendal estate of Halliwell and Finsbury, in the suburbs of the city of London, and for other purposes therein mentioned." The other Act, which is the 54th of George 3d, is intituled, "An Act to amend an Act, made in the eighteenth year of his present Majesty, for making drains and sewers for carrying off the water from the prebendal estate of Halliwell and Finsbury, in the suburbs of the city of London, and for other purposes therein mentioned, and to extend some of the provisions thereof to part of the Holborn division, in the county of Middlesex," and all other laws relating to sewers are continued, excepting as they altered by those acts.

You have the same commission from the Lord Chancellor as for the Tower Hamlets division?—Yes.

And that division is regulated locally by these acts?—Yes; by this act we are directed to make out our accounts annually, under the different heads.

Will you have the goodness to state what the difference is?—The local act directs, that the rates are to be made whenever necessary; the rates and accounts of the divisions are to be kept separate; notice is to be given of making the rates, which seems to be a very excellent regulation; then there is a power given to assess tenants, and to alter rates, upon appeal being made; rates to be allowed by landlords to tenants, but not to make void agreements.

The act of Henry the 8th applies to that?—That is the basis of all the proceedings.

Is it not enacted by the act of Henry the 8th, that if there be any question, as between the landlord and tenant, who shall pay the rates, they may appeal to the commissioners, who shall have power either to order that one or the other shall pay it, or to divide it in such manner as they shall think fit?—That is the spirit, undoubtedly, of the act of Henry 8th; commissioners may appoint a treasurer; that is not in the act of Henry 8th. Security to be taken from the treasurer; with good and sufficient sureties, as the commissioners shall approve and direct; but we have got a very good treasurer now, in the bank of England. When the collector receives 50*l.* he is obliged to take it immediately to the bank; and other officers may be appointed on giving security; there is no officer but does give security.

Have you no power to appoint officers without security?—Not under this act of Parliament.

But you have under the other act?—Yes; but under this act, whatever officers are appointed must give security. The treasurer not to hold any other office, and the treasurer and collector to account.

Is the thing of itself so important as to make it an object that the treasurer should not hold any other office?—He is not to hold any other office in that commission; officers not to take any fee or reward; commissioners and their officers not to be concerned in any contract; commissioners interested to have no voice.

What sort of interest is intended?—It is supposed that a commissioner may be a builder, or a surveyor, and in that case he shall have no voice as to any contract.

But he may have property that is affected by the commission; does that exclude him from having any voice?—It is not intended that a man who has property that may be affected by the commission, should, on that account, be deprived of his voice; but that no man who is interested as a builder or surveyor, should have any voice whatever, or be concerned in any contract for repairing old sewers, or constructing new sewers. Then there is an allowance made for the expenses of the meetings of the commissioners, which are not to exceed 450*l.* in any one year. Commissioners indemnified for the payment of debts, but in future not to pay any but such as have been contracted within the last twelve months of the preceding commission; the property of the sewers, &c. vested in the commissioners. There was some doubts whether the sewers were the property of the commissioners; and this clause was introduced in this act of Parliament, which set that question at rest. Commissioners empowered to amend old sewers and make new ones. When a new sewer is directed to be made, notice is to be given of making such sewer.

In case you should come to any old river or brook where there is any thing erected upon it, and which has been so time out of mind, have you under that act of Parliament any power to remove it?—Yes, to remove any sort of annoyances; but that is contained in the first act of Parliament; there is a power given to remove any annoyance, hurt or hindrance whatsoever; all work above 50*l.* to be performed by contract; that prevents any improper expenditure; no person to perform any work exceeding

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(25 March.)

exceeding 200 *l.* unless by contract; fourteen days notice to be given of meetings to make contracts, and to be inserted in three or more of the public newspapers; all contracts to be entered in a book; commissioners may compound for a breach of contract; persons rated may inspect the rate-books; churchwardens may inspect the books, and have copies; commissioners to make out an annual account, and, conformably with the act, they are made in three distinct divisions, and copies of those accounts are directed to be delivered yearly to the vestry clerks of the several parishes within the divisions, and any individual by applying to the clerk, may receive a copy of the account, on paying for the same the sum of one shilling; persons aggrieved may appeal; commissions are authorized to recover rates and fines made or incurred under former commissions; proceedings not to be quashed for want of form; expenses of this act how to be paid; rate-book how to be kept, and duplicate to be delivered to collector; persons not paying rates to be summoned, and if excused, the excuse to be entered in rate-books; seven days notice to be given of all courts, by advertisement in three daily papers circulated in London and Westminster; therefore there is nothing under a cloud; it is all pretty clear; penalties not exceeding 20*l.* how to be recovered; witnesses not appearing liable to be apprehended, and may be followed into other counties; any justice or justices of the peace may issue a warrant, and the form of the warrant is attached to the act of Parliament; any person may appeal from the conviction of such justice or justices to the quarter sessions; penalties above 20*l.* how to be recovered, which is by action in any of the courts of Westminster.

Can they only be recovered by action?—The terms of the act are, "That all "fines, penalties and forfeitures, exceeding the sum of twenty pounds, by this act "or by the said recited act imposed, may be recovered by any person who will sue "for the same, in any action or actions of debt, or upon the case, or by information, "in any of His Majesty's courts of record at Westminster." The court of sewers being a court of record, have the power to fine, and therefore this is the mode in which such fines and penalties are to be recovered.

Would it not be a more summary way to bring it before a magistrate?—It would; but I think the magistrates are pretty well burthened; those are the alterations made by the last act.

Differing from the system pursued in the Tower Hamlets commission, of which you are chairman?—Yes.

The commission of your division found it necessary to obtain this act of Parliament, for the better execution of public duties, and for their own security?—The last act was not obtained upon the application of the commissioners, but upon the application of the divisions at large, upon having taken into consideration the present existing laws of sewage; finding their inefficiency in a variety of ways, they thought it prudent to apply to Parliament for additional powers.

Why have not you followed this same course of improvement in your other division, of which you are chairman?—It ought to have been, undoubtedly, but I have only been chairman of that commission about two years; I have adopted as many rules and regulations as I could, for the good government of the commission, and it was in agitation before we knew that a committee of the House of Commons was appointed to apply to Parliament, to have the several clauses and authorities contained in these acts applied to the Tower Hamlets, but this committee has superseded every idea of that kind.

Were you chairman of this division before these acts were obtained?—Yes, these acts were obtained in consequence of the deficiencies on the part of the treasurer of that commission, and of the inaccurate manner in which their proceedings had been kept by a former clerk.

That act was obtained because the other was found ineffectual?—Certainly, but the deficiencies of the treasurer was the immediate excitement to it.

It appears from the evidence given, that in the Tower Hamlets division, your powers are subject to so much uncertainty, that you are liable to as many actions at law as there are persons rated; have you had more or fewer appeals since this act passed than before?—I do not consider that there has been any material alteration; the appeals are not more frequent, nor the appellants more numerous; but, undoubtedly, if they thought proper to oppose under the existing laws, for every appellant there might be a suit.

Do those acts remove the uncertainty of the power which you had previously of levying rates?—Certainly.

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(25 March.)

In short, finding yourselves under the old law surrounded by constructive illegalities, you thought it advisable to obtain a new law for the public service, as well as for your own guidance?—Certainly.

The process under your new powers, is the same as under the old law?—Exactly so, except as to the jury, there is no jury in the Holborn and Finsbury division.

It is now settled by the commissioners?—Yes.

Is not the jury attended with a great deal of expense?—Certainly.

Which expense is now saved?—Yes, the usual course is after the termination of the day's labour, the jury generally dine together at some house or other, and when they have finished the whole business, they send the amount of those bills to the commission, and they are defrayed out of the commission, which I suppose generally amounts to about 150*l.* upon a presentment.

What power is there to raise the money to pay that?—None, but custom from time immemorial, and that custom has been very properly superseded in the new act.

It is in evidence before the committee, that the general level of the metropolis, is thirty feet above high water mark in spring tides; do you not think that a system of general sewers, combining all the inferior ones, as at present existing, would very much contribute to the health and comfort of the metropolis?—No doubt.

Mr. *James Wilmot Lush* called in; and Examined.

*Mr. J. W. Lush.*

You are joint clerk to the commissioners of sewers for the Holborn and Finsbury division?—Yes.

How long have you been in that capacity?—Eleven years.

Then you have been clerk under the old law as well as the new, that is previous to obtaining the act?—Previous to obtaining the second act, not previous to obtaining the first.

Will you have the goodness to explain to the committee, the process, under the whole law, when works of sewers were to be done, from the first view taken by the surveyor, to the presentment of the jury, and the ultimate collection of any rate or rates, so far as could be sanctioned by that jury?—The process of making and levying rates in the Holborn and Finsbury divisions, previous to the passing of those acts, was the same as in the Tower Hamlets, as stated in Mr. Unwin's evidence, which I have had an opportunity of reading over.

What then is the difference under the process of the new acts?—Under the new act we do not impanel any jury; when a rate is necessary to be made, we call upon the vestry clerks under the authority of the first act, to furnish copies of the poor rates, those are transcribed, and a rate made adequate to the supposed expense of the ordinary repairs of the sewers, and the contingent expenses of the commission, upon the rental returned by the vestry clerks; two copies are signed by the commissioners in court, and one part delivered to the collectors; immediately after the expiration of three months from the time of making the rate, the persons who have not paid are summoned, and at the ensuing court, unless the parties have been relieved, or their rates mitigated, distress warrants are issued, the form of which is set out in the first act of Parliament.

Then it is very much in the way of the levy of the poor rates?—Yes.

Founded upon the poor rates?—Yes.

Then by what means do you determine as to the liability of parishioners to the rate?—Of course we omit those parties whose lands are upon so high a level, at least we rate them (but we do not collect upon those lands which lie upon so high a level, that they can neither receive benefit nor avoid damage from the sewers) by our first act of Parliament, we are empowered to rate all persons within the Finsbury divisions, but by an opinion given lately by the present Mr. Justice Holroyd, when at the bar, he said, that we are not bound or justified in rating those who do not receive a benefit or avoid a damage.

You mean to say then, that if you conceive that a person neither receives a benefit nor avoids a damage, that he ought to pay nothing?—Certainly.

And you act accordingly?—Certainly.

And it is in the breast of the commissioners to determine whether he does receive a benefit or not?—Certainly.

It is for the commissioners to determine, whether *A. B.* living at such a place, is to pay or not to pay?—Yes; and if the payment is resisted, it is for the commissioners to proceed to levy; of course, an action of trespass may be brought;

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Mr. J. W. Lucy. (25 March.)

an action was brought against us at Hampstead; the jury presented the whole inhabitants of Hampstead as liable; an action was brought against the collector, and the court of king's bench determined, that as they were so much above the level, that any works done by us could not affect them, (that is, if the sewers were neglected the waters would not regurgitate upon them), that therefore they were not liable. A case has lately been tried with respect to Kensington by the Westminster commissioners, who proved that the party resisting was on such a level as to receive a benefit, and there the commissioners succeeded. The court of common pleas, in the case which I have alluded to, held, that though a jury make a presentment, and though the party neglects to traverse it, the party is not concluded by that presentment, unless he had specific notice of that presentment; on that occasion they demurred to the declaration, and it came on for argument in the common pleas.

Have you got the opinion of Mr. Justice Holroyd?—I have not it here, but I will furnish the committee with a copy of it.

Under the old law, by what means did they decide whether a housekeeper received benefit or avoided a damage by any new work that was going forward?—By the presentment of the jury.

Then the case was first laid before a jury, to determine whether the parties were liable or not?—The jury made general presentments of those parties they thought liable to pay the expense of such and such works.

Have you had had any new sewer lately in your division before the new act?—Not since I have been clerk; I think not in the intermediate time between the two acts.

Are you acquainted with the new works going forward at Ratcliffe-highway, under the commissioners of sewers?—Yes.

Do you know the process which that has undergone to bring it into action?—It originated, I believe, in a memorial.

A survey was made in the first instance?—Yes.

By what authority?—By order of the commissioners, and under a report of surveyors appointed by the court; after that the sheriff was called upon to impanel a jury to view; a jury was sent out to take a view, and that was followed by a presentment as to all those housekeepers to be rated, who avoid a damage or receive a benefit.

Have you had any process of this kind during your service under the commission of the Holborn and Finsbury division?—No.

Have you had many appeals from the presentment of the jury?—We have no presentments of juries since the passing of the last act.

You have read Mr. Unwin's evidence?—Yes.

He states, that from the defect of the law under the presentment of a jury?—You are liable to as many law suits as there are persons rated; do you subscribe to that doctrine from your experience?—Certainly, it may be so; even under our acts of Parliament any person may bring an action, if they chuse to hazard paying costs in case of non-recovery.

Surrounded by illegalities, you resorted to the Legislature for this new act?—I believe the Committee have been informed, that the last act was not sought for by the commissioners; it was applied for by the parishes, in consequence of the mismanagement that had taken place by the clerk not having kept regular accounts; and although the commissioners at that time had made such regulations among themselves as to prevent the recurrence of those evils, yet the parishes thought it was more expedient to apply to Parliament for an act, and those clauses that were thought material, were engrafted upon that. The promoters of the act were very desirous to dispense with the jury on account of the expense.

By what means do you now levy these rates, without the intervention of a jury?—When a new rate is considered by the court to be necessary, for the purpose of defraying the ordinary expenses of keeping the sewers in repair in the district, and the contingent expenses of the commission, application is made to the vestry clerks, under the authority of the first act, for copies of the poor rates; those copies, when obtained, are transcribed, and the parties assessed at such a rate as the expenses of the commission require.

By what means do they judge of the necessity of those repairs?—A great portion of the expense incurred by the commissioners, arises from applications made by the surrounding parochial paving boards, who are empowered to call upon the commissioners within a certain time after application, to repair the gulley holes, grates, and

*Mr. I. W. Lush.*

(25 March.)

public drains, as well as sewers within their district; it is therefore always considered necessary by the commissioners, when a rate is nearly exhausted, to make a new one to meet those demands; and by the recent enactments of the Legislature, the commissioners are placed in a different situation to what they were formerly.

Is there not a surveyor attached to your board?—Yes.

Is not he thereupon ordered to survey the sewers complained of by those parochial boards, or do you take it merely upon their representation?—The surveyor always reports upon it; besides the applications made by parochial boards, applications are often made by individuals, so that seldom a week passes without a sewer in some situation or other requiring immediate repair; and it would be impossible to comply with the provisions of the parochial acts, if the commissioners were to wait for the presentment of a jury, before those were done. An instance occurred last week, in the New Road, Islington, when 1,000 *l.* worth of damage might have been incurred, unless immediate steps had been taken to secure a house, built over a sewer, which had become ruinous from falling.

Is not there generally a balance in hand of some kind or other to meet contingencies?—Yes, certainly.

Is it not usual for the Finsbury division to lend money to the Holborn division, and for the Holborn division to lend money to the Finsbury division?—Yes, certainly; but all the accounts of each division are kept separate.

Does it frequently occur, that parties refuse to pay after they have been rated?—Certainly, in some instances; but I would add, that the majority of persons who are summoned, either pay at the time of attending the appeal, or within a certain time after that; very few distresses are ever made.

Has it sometimes occurred, that parties who have been rated, have ultimately not paid?—Not unless they have been excused by the commissioners, who considered they were not liable.

Then, if the commissioners had considered them liable, they would have enforced the payment?—Certainly.

Are there more appeals under the new law, than under the old law?—I should think not, except as arising from the increased population; but I am hardly competent to judge as to that; but I would beg leave to say, that we find, as our district comprises a great neighbourhood of the lower description, that the collectors can hardly get any money in the first instance, without summoning them; the parties generally wait for a summons before they pay.

But usually you get the money sooner or later?— Yes, we have the power to make allowance for premises unoccupied, under our act of Parliament; and when we find that tenants are obliged by their agreements with their landlords to pay the rate, in cases of poverty we excuse them.

Then it rests entirely with the board and commissioners, whether they will enforce the rate upon an individual or not?—Certainly.

Independent of the acts of Parliament, you have a commission of sewers issued by the Chancellor?—Yes.

How many does it consist of?—One hundred and seventy-nine, some of whom are since dead.

Have you any subordinate boards under it?—There are fifteen commissioners, who are deputed by the court, called the commissioners for general purposes, to hear and determine upon appeals against payment of the rates, to give orders for the performance of such works as may be necessary to be done, in the intervals between the meetings of the court, to determine upon all petitions for leave to make new sewers or drains to communicate with the existing sewers; likewise to audit the bills and accounts of the several officers, contracts, or workmen, and to determine all such matters as may from time to time be referred to them by the court, to whom their proceedings are reported.

Do they report their opinions to the court, or have they the power of adjudication themselves?—They have the power of adjudication, but they do not always exercise it; in cases of great importance, they merely report their opinion to the court; the commissioners do not sign any warrants of distress; that is always done in open court.

Upon this adjudication against the petitioner, what step is next taken if he refuses and neglects to pay?—His name is inserted in the report to the court, and thereupon they issue a distress warrant.

How many commissioners usually attend the board?—From ten to twelve of the commissioners for general purposes.

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Mr. J. W. Lush. (25 March.)

Is a quorum necessary?—No, except that six are required by the act, to do any legal act.

How are the commissioners remunerated?—They have no pecuniary remuneration.

Then they do this without any recompence at all?—They dine together after each meeting; the act allows a sum of money for this purpose, not exceeding 450*l.* The average annual expenditure under this head, is about 404*l.*

Have you a list of the commissioners?—I have.

[*The witness delivered in the same.*]

Have you had a great many warrants of distress issued?—Certainly we issue a great many warrants of distress; the collector, after the warrant is issued, gives a notice to each person, that that is done, and that generally produces the money. We have had very few distresses actually made.

The words of the warrant are, "By order of His Majesty's justices?"—They are called in the act, justices and commissioners of sewers.

Have you had many payments made upon warrants of distress, without any seizure being made?—In general they are so.

In case of a disavowal of your authority, what line do you take?—We leave the party to his remedy, by bringing an action of trespass.

Have you had many applications to the court of king's bench, against the payment of the rate, in the first instance?—We never had but one action tried, which I before alluded to, with an inhabitant of Hampstead, in which we failed, for the reason before stated.

Has your opinion ever been taken upon a process of this kind?—The opinions which have been given by counsel, on the question of liability to the sewers rate, founded upon the cases decided in the courts of law, appear to lead to this result; that in order to create a liability, it must be shown on the part of the commissioners, that certain works have been or are necessary to be done to the public sewers, into which the waste waters of the parties to be charged are communicated, by which works the lands of the parties are benefited, or which if left undone, would occasion damage thereto. Benefit or no benefit, has always been the language of the courts of law, and considered as the gist of the case, in questions of jurisdiction.

Those are principles that require more accurately to be defined?—Yes.

What is your establishment under this board of commissioners?—We have two clerks, receiving a salary of 400*l.* per annum, between them, and thirty guineas in lieu of fees. Before the last act of Parliament, we received half a guinea upon every petition, and the surveyor the same, making one guinea, which were abolished by the last act. We have two surveyors, one for Holborn, and one for the Finsbury division; they have each a salary of 155*l.* per annum, 50*l.* having been lately added in consequence of the commissioners having enjoined them, personally, to measure all the works performed by the commissioners contractors; they have also, a remuneration of fifteen guineas each, in lieu of fees of half a guinea, for attending every meeting of the commissioners for general purposes. There is also summoner and crier of the court, at a salary of 70*l.*; an office-keeper and messenger, at 100*l.* per annum; an inspector for each division, at 100*l.* per annum, each. The office is open every day, from eleven till three, for the purpose of receiving applications and complaints. The total number of applications last year, amounted to 629.

Applications by parties who thought the sewers required repair?—Yes, or parties wishing to make sewers or drains at their own expense; and 366 jobs of work were done at the expense of the commission.

What is the average annual expense for several years past?—Altogether, about 10,000*l.*

For the two divisions?—Yes.

Of what class of subjects are your collectors?—The collectors are, some of them, persons carrying on trade, some not.

Housekeepers of the neighbourhood?—Housekeepers within the district which they collect.

Who appoints them?—The commissioners at court.

Do they give security?—Yes; themselves in 1,000*l.* and two sureties in 500*l.* each.

Have you had any defaulters among them lately?—We have had one or two instances, but no money lost in consequence.

The securities have made good the deficiencies?—Yes.

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(25 March.)

What is the extent of your jurisdiction; is it laid down in the act of Parliament?—No; the commission describes it to be for the Holborn and Finsbury divisions, the parish of St. Leonard's Shoreditch, and the Liberty of Norton Falgate. The Holborn division comprises the parish of Hampstead, St. Pancras, St. Andrew Holborn, St. George the Martyr, part of St. George Bloomsbury, part of St. Giles's, and the Liberty of the Rolls.

Have your board regular communication with the boards of the surrounding districts, as superintending the adjoining sewers?—In cases where it is necessary. The Finsbury division comprises St. James and St. John, Clerkenwell; St. Luke, Middlesex; St. Mary, Islington; St. Sepulchre, and Glasshouse-yard Liberty; besides the parish of Shoreditch, and Liberty of Norton Falgate, which are named in the commission; we are bounded on the west by the Regent's park; on the east by Hackney parish, in the Tower Hamlets division; and on the south by the city of London.

Your surveyors have regular plans of all your sewers, and are able to explain the junctions with the different divisions?—Yes, I should apprehend they would be.

What process do you take when an individual applies to you, and informs you, that his sewers are out of order; what process do you pursue in that case?—The drain immediately leading from the house of the party into the sewer is private property, and we have nothing to do with that; but if a person complains that the sewer itself is stopped up, we send our inspector to look at it; if he reports that it is a public sewer, the surveyor immediately surveys it, and makes a report to one or two of the commissioners; if it is a work that requires immediate attention, it is put in hand forthwith; power is given to one or two of the neighbouring commissioners to give directions for the necessary work, which is reported to the next meeting of the commissioners.

The work then is executed by your surveyor, under the orders of the commissioners, and the party is called upon to pay the expense?—Not if it is a public sewer; then it is paid by the commission; but it frequently happens that the private drain of a party is stopped, and we say, get your drain cleansed, and we will then see whether the sewer is out of order. We never interfere with the repair of private drains.

Have not you an inspector?—Yes; two inspectors.

All your establishment are paid by fixed salaries, and not by fees?—Yes, we are liable to a penalty of 100*l.* for taking any fee.

Formerly a petition of appeal was charged with half-a-guinea?—Those petitions were only where parties applied for leave to make sewers at their own expense; not where applications were made for the cleansing and repairing of any existing sewer.

Supposing a new street to be built; the sewer which is necessary for that new street is built at the expense of the builders of that street?—Yes, and then taken under the control of and kept in repair by the commissioners; the parties in that case apply to the court for leave to construct such sewer under their regulations, it being material that all sewers should be built on a proper level to have the benefit of the existing sewers.

It would not be lawful for the proprietors of that street to retain that sewer under their own care and jurisdiction, would it?—Certainly not; if it received public waters, it would become the property of the commissioners; besides, the commissioners would rate the inhabitants for the repair of that sewer, although it had been originally built by the proprietors of the houses.

What are the regulations for the construction of new sewers?—I will deliver in a paper which contains them.

[*The witness delivered in the same, which was read, as follows:*]

" Sewers Office for Holborn and Finsbury Divisions, No. 7, Hatton-garden.

" Regulations for the Construction of new Sewers.

" That all main or leading sewers, within the limits of this commission, receiving waters from more than one street or place exceeding 40 houses, shall not be less than five feet high and three feet wide, formed on an oval plan of one brick and a half in substance, from the bottom to the springing of the arch, and one brick for the arch.

" That all branch sewers for streets or places containing less than 40 houses, shall be four feet six inches high, and two feet six inches wide, and one brick in substance,

of

Mr. J. W. Lush. (25 March.)

of an oval form; also, that the current of such sewers be not less than one-fourth of an inch to every 10 feet in length, but as much more as the situation will admit; and that the bottom of every public sewer, leading into any other public sewer, be six inches above the bottom of such original sewer.

" That apertures for cleansing the sewers be formed at the corner of each street or place, or at distances not exceeding 70 feet from each other, covered with moorstone kirb; and that the top of the same shall be 18 inches below the surface of the street.

" That the bottoms of all private drains be 20 inches above the bottom of the public sewers with which they communicate, and that such drains shall not be of less dimensions than nine inches diameter in the clear.

" That all the bricks to be used in these works be sound hard burnt stocks, and the mortar compounded of good lime and clean sharp drift sand, well mixed together; and that the whole be executed in the most workmanlike manner, under the immediate directions of the commissioners.

" By the Court,

" *Stable* & *Lush*."

I will beg leave also to produce to the committee a paper, with which these regulations are accompanied, and which is inserted, at stated intervals, in the public newspapers.

*It was delivered in and read, as follows:—*

" Sewers Office for Holborn and Finsbury Divisions, &c.
No. 7, Hatton Garden.

" To Builders and others interested in buildings, or in ground for building upon, within the districts of Holborn and Finsbury Divisions, the parish of St. Leonard Shoreditch, and the liberty of Norton Falgate, in the county of Middlesex, and the borders and confines of the same.

" The commissioners of sewers for the above limits do hereby give notice, that previous to making any new sewer in any street, lane or public way, or in any part intended to become a street, lane or public way, or to carry or drain off water from any house, building, yard or ground, into any sewer under their management, or within their jurisdiction, a notice in writing shall be given to them, or to their clerks at their office; and that such new sewer or sewers shall be constructed and made in such manner and form as shall be directed by the said commissioners, and not otherwise.

" And in order to prevent the serious evils and inconveniences that must arise from ground proposed to be built upon being excavated to too great a depth, the commissioners have directed, that upon application being made at their office, previous to the excavation of such ground, information shall be given as to the lowest depth at which the same can be drained.

" And the commissioners do also give notice, that whenever the lower floors or pavements of buildings shall have been laid so low as not to admit of their being drained with a proper current, they will not allow any sewers, or drains into sewers, to be made for the service of such buildings; and further, that no buildings or erections, of any kind, will be permitted to be made upon or over any sewer.

" By the Court.

" *Stable* & *Lush*."

When new houses are built, and new sewers with them, so put under your jurisdiction, do you know of any instance of calling upon the inhabitants of old houses to pay the expense of them?—Not for the building of those sewers.

Has your surveyor any inspecting authority over the sewers of new buildings, to see that they correspond with the level of the old sewers?—Certainly, it is part of his duty; the party petitioning submits in his petition to do it under the inspection of our surveyor.

Would it not be advisable that the commissioners of sewers should be vested with public powers to inspect, regulate and control all new sewers, for new dwelling-houses of all descriptions, so as to preserve the proper level?—Certainly.

Do you know any instance of large sewers being executed, where parties who really benefited by such sewers have not been called upon for a rate?—Certainly not.

What new works have you had in your division within the last two or three years?—I do not remember any, that have been executed at the expense of the commission,

*Mr. J. W. Lush.* (25 March.)

mission, of any magnitude; there have been a great many executed at the expense of individuals; our expenses have been chiefly the ordinary repairs of existing sewers, or where the sewers have become so defective, that we have made a new line in lieu of it, or to afford an outlet to applicants for new sewers into the existing sewers; it frequently happens, that where we find an old sewer very defective, instead of being at the expense of repairing that, which probably would, if repaired, be of too small dimension to effect the existing drainage, we build a new one in lieu of it.

What is the general rate that you have had for these services lately?—A sixpenny rate; we have had, altogether, one rate of a shilling, and three of sixpence, during the late commission.

Within what time?—Within ten years; our sewers, particularly in the Finsbury division, are generally very small, and very defective; many, built some years ago, are very inefficient, indeed.

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*Mercurii, 11° die Junii, 1823.*

## PETER MOORE, ESQUIRE, IN THE CHAIR.

Mr. *John Houseman* called in, and Examined.

*Mr. John Houseman.* (11 June.)

WHAT are you?—Clerk to the commissioners of sewers for the city and liberty of Westminster, and part of the county of Middlesex.

Will you have the goodness to describe the different jurisdictions, what part belongs to Westminster, and what part to Middlesex?—As far as the city and liberties of Westminster extend, and beyond that as far as Teddington.

How long have you been in this situation?—I have been employed in the office of the commissioners from the year 1788.

Under what powers do the commissioners act?—The act of the 23d Henry VIII, with several other acts since, and also under the 47th Geo. III, c. 7, of public, local and personal acts.

Those are are all the acts under which your board exercises its jurisdiction?—Yes.

What is the number of your commissioners?—It was, when the commission issued, nearly 200, (196.) Here is a list of the names, [*handing in the following paper:*]

Commissioners of Sewers for Westminster, and part of Middlesex, 1816.

The Lord Chancellor, No. 6, Bedford-square.

The Duke of Beaufort, No. 5, Grosvenor-square.
Bedford, Hamilton-Place.
Devonshire, Piccadilly.
Marlborough, Pall Mall.
Portland, Piccadilly.
Northumberland, Charing Cross.

The Marquis of Lansdown, Berkeley-square.
Stafford, Cleveland-square.
Salisbury, No. 20, Arlington-street.
Camden, 22, ditto.

Earl Percy, Charing Cross.

The Earl of Derby, Grosvenor-square.
Stamford and Warrington, No. 37, Charles-street, Berkeley-square.
Shaftesbury, Grosvenor-square.
Macclesfield, No. 9, Conduit-street.
Ashburnham, 30, Dover-street.
Radnor, No. 52, Lower Grosvenor-street.
Grosvenor, 33, Upper Grosvenor-street.
Liverpool, Whitehall-yard.
Romney.
St. Germain's, St. James's-square.

Lord

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Lord George Augustus Henry Cavendish, No. 1, Saville-row.
Charles Spencer, No. 72, Pall Mall.
William Henry Cavendish Bentinck.

Viscount Sydney, 3, Grosvenor-square.
Curzon, 9, Davies-street, Berkeley-square.
Sidmouth, Hill-street, ditto.

Lord Cochrane, No. 12, Portman-square.
The Bishop of London, St. James's-square.
Lord Holland, Kensington.
Somers, Great George-street, Westminster.
Grenville, Oxford-street.
Kensington.
Ellenborough, St. James's-square.
Erskine, No. 4, Upper Berkeley-street.

The Right Honourable Charles Abbot, House of Commons.
The Honourable Bartholomew Bouverie, No. 21, Edward-street, Portman-square.
The Right Honourable Nicholas Vansittart, Downing-street.
Charles Bathurst, 4, New Burlington-street.
Sir William Grant, knight, Rolls Yard, Chancery-lane.
Sir Vicary Gibbs, knight, No. 67, Russell-square.
Sir Alexander Thompson, knight, 21, Lower Gower-street.
Sir Joseph Banks, baronet, K. B. Soho-square.
George Rose, Palace Yard, Westminster.
Charles Long, Whitehall.
Sir James Mansfield, knight, No. 37, Russell-square.
Reginald Pole Carew, 7, New Cavendish-street.
Richard Brinsley Sheridan, No. 14, Saville-row.
William Huskisson, Office of Woods, &c. Whitehall Place.

Sir Francis Burdett, baronet, 78, Piccadilly.
Philip Hales, baronet, No. 40, Charles-street, Berkeley-square.
Martin Brown Folkes, baronet, 12, Mansfield-street.
Thomas Brooke Pechell, baronet, No. 6, Stratford-place.
Walter Stirling, baronet, No. 106, Pall Mall.
George William Denys, baronet, Hans Place.
Rev. Sir Henry Bate Dudley, baronet, No. 19. Sloane-street.
Sir John Sylvester, baronet, No. 30, Bloomsbury-square.
Daniel Williams, knight, Public Office, Whitehall.
Nathaniel Conant, knight, 11, Portland-place.
John Henry Newbolt, knight.

The Very Reverend John Ireland, D. D. Dean of Westminster, Dean's Yard, Westminster.
The Rev. Luke Hislop, D. D. Archdeacon of Bucks, No. 26, Nottingham-place.
The Rev. Millington Buckley, No. 20, Nottingham-place.
Robert Selly Hele.
Thomas White.

General William John Arabin, No. 2, George-street, Manchester-square.
Lieut. Colonel Wm. Henry Forsteen, 29, Hans-place, Sloane-street.
Abington, John, 23, Downing-street.
Adam, William George, 6, Stone-buildings, Lincoln's-inn.
Atcheson, Nathaniel, 2, Chapel-street, Duke-street, Westminster.
Barker, Richard, 1, Tavistock-street, Bedford-square.
Barker, Richard, jun. 1, Tavistock-street, Bedford-square.
Beaumont, Daniel, 92, Great Russell-street, Bloomsbury.
Bell, Thomas, 47, Dean-street, Soho-square.
Bidwell, Thomas, Hyde-park Lodge.
Bilke, Edward, 44, Hertford-street, May-fair.
Birnie, Richard, Police-office, Bow-street.
Boodle, Edward, 41, Lower Brook-street.
Bott, Arthur, 22, Gloucester-place, New-road.
Bourdillon, Thomas, Great Russell-street, Covent-garden.
Bourdillon, Francis, ditto.

*Mr. J. Houseman.*
(11 June.)

Bowman, Edward, 33, Soho-square.
Bradshaw, Augustus Henry.
Bramwell, George, 20, Lincoln's-inn-fields.
Brooks, Cordell, 5, Great George-street, Westminster.
Brown, John, 29, Clipstone-street.
Brown, Samuel, Norfolk-street, Strand.
Brown, Thomas Pearce, Norfolk-street.
Browne, Robert, 30, Cadogan-place.
Buck, George, 13, Great Cumberland-street.
Burgoyne, Montagu.
Burnley, Harden, 1, Brunswick-square.
Burton, Lancelot, Newcastle-street, Strand.
Byng, George, 5, St. James's-square.
Bedingfeld, John.
Cantwell, Joseph, 370, Oxford-street.
Carlisle, Anthony, Soho-square.
Chawner, Thomas, 82, Guildford-street.
Clark, Richard, New Bridge-street, Blackfriars.
Cockerell, Samuel Pepys, 8, Old Burlington-street.
Cockerell, Charles Robert, Old Burlington-street.
Collins, Thomas, 23, Berners-street.
Commerell, John William, 5, Berkeley-street, Manchester-square.
Conant, John Edward, 11, Portland-place.
Const, Francis, Soho-square.
Copland, Alex. 29, Great George-street, Westminster.
Copland, Alex. jun. ditto.
Cotterell, Edmund, 16, Coldbath-square.
Crace, John, Knightsbridge.
Crace, Frederic, Great Queen-street, Lincoln's-inn-fields.
Crosse, Hammond, Kensington.
Crunden, John, 20, Hereford-street.
Curtis, William, 61, Portland-place.
Dalrymple, Robert, 5, Manchester-square.
Davis, Wm. Bodycott, 32, Nottingham-place.
Dawson, Peter, 38, Goodge-street.
Denys, Peter, Hans-place.
Devall, John, 1, Buckingham-street, Marylebone.
Donaldson, James, 8, Bloomsbury-square.
Donaldson, Thomas Leverton, 8, Bloomsbury-square.
Down, Edward, Colney-hatch.
Duckett, George, 15, Upper Grosvenor-street.
Elliot, John, Pimlico.
Erskine, John, Kensington-gore.
Evans, Robert Harding.
Eyre, Walpole, 31, Upper Montague-street.
Farrer, James, 6, Barnard's-inn.
Flemming, Richard, Tottenham Court-road.
Flood, Luke Thomas, Cheyne Walk, Chelsea.
Flower, James, 2, Bedford-square.
Forsteen, William, 29, Hans-place.
Foulkes, Evan, 15, Lincoln's Inn-fields.
Godfrey, William, 15, Portman-square.
Goding, Thomas, Knightsbridge.
Goodenough, George Trenchard, 39, Hertford-street, May-fair.
Gotobed, Thomas, 15, Norfolk-street, Strand.
Graham, Aaron, Great Queen-street, Lincoln's Inn-fields.
Grant, John, 15, Upper Gower-street.
Hakewill, Henry, 6, Lower Brook-street.
Hamilton Archibald, 26, Cumberland-street.
Hamilton, William, Stanley-house, King's-road, Chelsea.
Hardwicke, Thomas, 55, Berners-street.
Hardwick, Philip, 55, Berners-street.
Harper, John Robert, 22, Russell-place.
Harris, Thomas.

Harrison,

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Harrison, George, Treasury.
Harrison, Thomas, Grove-house, Kentish Town.
Hayter, John, Old Cavendish-street.
Heaton, Charles, 7, Old Burlington-street.
Hodsoll, William Thomas, 345, Strand.
Holland, Henry, Albany.
Holland, Lancelot, 1, Dartmouth-street, Westminster.
Holland, Richard.
Holloway, Thomas, Chancery-lane.
Holroyd, John, Northumberland-street, Strand.
Hope, John Thomas, 37, Upper Seymour-street.
Hope, Thomas Henry, ditto.
Jackson, Philip, 8, Store-street, Russell-square.
Jackson, Samuel, Great Pulteney-street.
Jennings, Thomas Francis, 9, Carey-street, Lincoln's Inn-fields.
Iggulden, John, 33, Bloomsbury-square.
Joddrell, Richard Paul, 64, Portland-place.
Jones, John, 13, Percy-street.
Jones, Charles Pleydell, 32, Milbank-street, Westminster.
Kay, Joseph, 12, Bedford-street, Bedford-square.
Key, William Cade, Hampstead.
Kinnard, William, 309, High Holborn.
Knox, James, 98, Great Titchfield-street.
Lambert, Charles, 1, Fitzroy-square.
Law, George, 10, Lincoln's Inn New-square.
Lennard, John Barrett, 25, Half-moon-street, Piccadilly.
Leverton, Thomas, 13, Bedford-row.
Leverton, William, 3, Gate-street, Lincoln's Inn-fields.
Lewis, William, Hendon.
Lewis, William Stone, 6, Gray's Inn-square.
Ludgate, Peter, 200, Holborn.
Maberly, John, 30, Grosvenor-square.
Macleay, Alexander, 12, Queen-square, Westminster.
Mainwaring, William.
Mainwaring, George Bolton.
Mawley, Edward, 28, Lower Thornhaugh-street.
Mellish, William, 112, Bishopsgate within.
Mercer, George.
Merceron, Joseph, Bethnal-green.
Meredith, William, 3, Harley-place.
Meredith, George, 6, Nottingham-place.
Meux, Henry, 19, Great Russell-street, Bloomsbury.
Mills, Samuel, Finsbury-square.
Moore, George, 6, Gate-street, Lincoln's Inn-fields.
Moore, James, 3, Percy-street.
Moore, Peter, 7, Great George-street, Westminster.
Morris, John, 21, Baker-street.
Murray, Alex. 47, Hatton-garden.
Musgrave, George, 48, Devonshire-street.
Mylne, William Chadwell, New River-head, Islington.
Nicoll, Thomas Copthall, Hendon.
Nicols, David, 8, Nottingham-place.
North, John, East Acton.
Nutting Joseph, 15, King-street, Covent-garden.
Nutting, John George, ditto.
Ovey, Richard, Tavistock-street, Covent-garden.
Paine, James, Turnham-green.
Parkinson, George, 79, Oxford-street.
Parton, John, 16, Charlotte-street, Bloomsbury.
Pensam, John, Serjeants Inn, Fleet-street.
Pepys, Edmund, 20, Russell-place.
Pepys, John, 8, Lower Berkeley-street.
Plowman, John Bellamy, Chandos-street, Covent-garden.
Portman, Edward Berkeley, Bryanstone-square.

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Pratt, Robert Barlow, 41, Kensington-square.
Price, Stafford, 31, St. Martin's-lane.
Raine, Jonathan, 33, Bedford-row.
Raynsford, Robert, Police Office, Hatton-garden.
Rhodes, Henry, 15, Upper Norton-street.
Rhodes, Thomas, Hampstead-road.
Robins, Henry, Great Piazza, Covent-garden.
Robins, George Henry, ditto.
Robinson, Alexander Ramsay.
Robinson, George, Bath.
Robson, Richard Bateman, 11, Manchester-square.
Rogers, Thomas, New Road, Mary-le-bone.
Rowles Henry, 13, Cadogan-place.
Russell, John, 121, Great Portland-street.
Sanders, John, 4, Weymouth-street, Portland-place.
Saunders, George, 252, Oxford street.
Scott, George, Ravenscourt, Hammersmith.
Scott, James, Hammersmith.
Sellon, William Marmaduke, 6, Hatton-garden.
Seymour, William, 19, Margaret-street, Cavendish-square.
Sheppard, Thomas, Hampstead-heath.
Sketchley, Samuel Everingham, Phillimore-place, Kensington.
Slack, Joseph Albin, 90, Wimpole-street.
Soane, John, 12, Lincoln's Inn-fields.
Stephenson, Benjamin Charles, Office of Works, Scotland-yard.
Stewart, Joseph, Sandwich, Kent.
Still, Peter, 5, Lincoln's Inn, New-square.
Strong, Alexander Hale, ditto.
Sutton, Francis, 12, Newman-street.
Taylor, Michael Angelo, Whitehall-yard.
Trotter, James.
Vale, William, 8, Portman-street.
Vale, John, 9, Shepherd-street, May-fair.
Vincent, George Giles, Dean's-yard, Westminster.
Vines, Samuel, 6, Lincoln's Inn, New-square.
Ward, John, Air-street, Piccadilly.
Ward, James, ditto.
Ward, Joseph, 44, Bedford-square.
Ware, Charles Hodges, 11, Holborn-court, Gray's Inn.
Ware, Samuel, 5, John-street, Adelphi.
Warner, John, Knightsbridge.
Watson, William, 14, Queen-square.
Watts, James, Horseferry-road, Westminster.
Weston, William, Weston-place, Pancras.
White, John, Cannon-row, Westminster.
White, Richard, Essex-street, Strand.
Wigg, Joseph, 10, Lower North place, Gray's Inn-lane.
Willock, John, 25, Golden-square.
Wilson, Richard, 47, Lincoln's Inn-fields.
Yarnold, William, Soho-square.
Yarnold, William, junior, Soho-square.
Yenn, John, Kensington.

Are there any particular rules for the meetings of those commissioners?—Such rules as they themselves have formed.

Have you a set of the bye-laws for the regulation of your board?—Yes.

Have you brought them with you?—No.

[*The witness was directed to furnish the Committee with the same.*]

How many commissioners constitute a board?—Six constitute a court, three a committee.

How are the commissioners paid for their attendance?—Not at all.

They have no pay at all?—No, there is a pay assigned to them, under the statute of Henry 8, but it is never claimed.

Are

Mr. J. Houseman. (11 June.)

Are their services gratuitous?—Yes.

What is their establishment?—One clerk, one surveyor, three clerks of the works, one labourer in trust, one assistant labourer in trust, one bailiff and messenger, one office-keeper and cryer, two labourers attending the flaps.

Be so good as to state in what manner they are remunerated for their services, and who appoints them?—The commissioners appoint them, and they are remunerated by salary.

State the salaries?—The clerk 400 *l.* a year, the surveyor 300 *l.*; of the clerks of the works, one has 200 *l.* another has 120 *l.* the other 115 *l.*; the labourer in trust has at present 40 *l.* a year; his assistant a guinea a week; bailiff and messenger 80 *l.* a year; the office-keeper and cryer 80 *l.* a year; one labourer attending the flaps at 65 *l.* a year; the other 27 *l.* 6 *s.* a year.

What is the whole amount?—£. 1,481. 8 *s.*

From what fund are those remunerations discharged?—Out of the rates.

What rates?—The rates levied.

Be so good as to state them?—The rates levied from time time by the commissioners.

For what service are those rates levied?—For repairing and mending the sewers.

When the rate is levied, what is the proceeding respecting it?—The precept is directed to the sheriff to return a jury.

Under the statute of Henry 8?—Yes.

When you have got that jury, what does it do?—They are then sworn by the court.

Sworn to do what?—A statement is made to them of the district on which the assessment is required; because the whole part under the jurisdiction of the commissioners is divided into separate districts.

This jury is sworn in before whom?—Before the court.

Constituted by how many?—At least six.

What is the general number that have attended at the court when those juries have been sworn in?—Eighteen or twenty.

Never less?—Yes; sometimes there are fewer, as it may happen.

On what ground is the attention of the court originally called, to point out the necessity of a rate?—By the accounts.

What accounts?—By accounts kept in the office of the expenditure.

For what service?—There is an account kept of all money expended in every district, and a separate account for each district; and when money is required to pay for expenses which are due upon any district, then a jury is called out.

Upon whose report is it, that such a call is made to call out a jury?—Upon the report of the officer to the court.

What officer?—The report of the clerk to the court, upon exhibiting the accounts.

Then is the service and expenditure uniform?—No.

Is money to be called for according to the pleasure of the clerk, and the balance in the books?—No.

State the process; have you no report of a surveyor?—In every work there is, but not in this case.

Point out to the Committee the ground-work, upon which you call for any rate, or any money whatever?—There is annually an audit of all the accounts by the commissioners.

What does that show?—It shows any district in debt, where money has been expended or money required.

Do you then perform works and expend money upon districts of one kind or the other, without first ascertaining whether it be necessary, and first ascertaining the means by which it is to be indemnified?—No, we first ascertain that the work is necessary, and the amount it will come to.

By what means do you ascertain that the work is necessary, and the amount it will come to?—By the view of the commissioners; where it is a large sum, the surveyor makes a report to the commissioners.

By what authority does he make that report?—Upon a complaint of the parties suffering inconvenience, or by the sewer having fallen in.

When a surveyor has made his report of a sewer having fallen in, what is done?—If some individual comes and reports it in the office, then they go and view it.

What is the mode of proceeding with respect to the sewers for all works, whether amendments, improvements, additions or new works?—When a complaint is made at the office, an inspection is made by the surveyor.

*Mr. J. Houseman.*

(11 June.)

When a complaint is made, you order the surveyor to investigate it?—He goes immediately, without waiting for the order of the board, to investigate it.

Who receives the complaint?—The clerk at the office.

He communicates it to the surveyor?—Yes.

Then the surveyor, upon that occasion, takes upon himself to investigate and make a report?—Yes.

What is done upon his report?—If it be a matter of any extent, a committee of commissioners is called out to view it.

Supposing it to belong to individuals?—Then he gives notice to the party that it does belong to him, and nothing further is done.

If he repairs it, you hear no more of it?—No.

If he does not repair it?—If the defect be in a public way, it is a public sewer, and repaired at the public expense; if it is in private ground, it is a private sewer, and the commissioners have no concern with it.

Unless some means be taken in consequence of the surveyor's report, to compel the party whose private sewer it is to repair it, where is the use of your interference at all?—It would depend upon the nature of the case, whether any and what steps should be taken when it should occur.

Under the other commission, when a person wants his sewer repaired when it is out of order, it is done by petition, is the petition used under your commission?—No, not in the case of a repair or cleansing be required.

No petition at all?—No, nothing but an application at the office.

Is there any fee or expense attending that application?—No, not for repairs.

Has there ever been at any time in your recollection?—No.

You have fixed salaries in your department, not depending upon any fee or services of this kind?—There is no fee upon an application to have a sewer cleansed or repaired, but there is a fee upon a petition to let a private drain into a sewer.

What is that fee?—Half-a-crown to the clerk, and half-a-crown to the clerk of the works, who attend upon the spot, to see the drain properly laid into the sewer.

That is the case with all applications for sewers?—Yes.

What is the whole expense to a private individual?—For a single drain, it is half-a-crown for the clerk, and half-a-crown for the clerk of the works; and if it is a petition for twenty drains, there is no more paid for the petitions.

If it is a petition for twenty drains, it would only take the same fee, half-a-crown?—Yes, one person may put down his name for twenty drains; for instance, in the case of a ground landlord, or the builder of a row of houses, that would be the case.

Then the petition as to one drain, is generally for repairs, not for a new drain?—No, that is not the case, they never apply to the commissioners to repair their own private drains, it is always done by a private individual, it is for leave to lay a new drain into the sewer.

If a person has twenty or forty houses belonging to him, and a drain to each, one petition will do?—Yes.

Do all builders of new houses make similar applications?—Yes.

They are bound to pay for them?—Yes, the commissioners do not build any new sewers, the builders themselves build them in the first instance, and they are maintained afterwards at the expense of the district.

Then on what ground is it that you call for a general rate?—The whole district under the jurisdiction of the commissioners, is divided into several minor districts, and each district maintains its own expense; and for the expense of that, a general rate over their district is made, but not extending to another district, it is confined to each particular district.

Are not the works about Tothill Fields under your jurisdiction?—Yes.

Who has paid for those drains?—The large sewer has been rebuilt at the expense of the district which drains into it.

Who has decided upon the necessity of those works?—The commissioners.

In virtue of what power?—The power given them by the acts.

Have the goodness to quote it?—It is the 23d of Henry the 8th, chapter 5, extended by 47 Geo. 3.

Do you remember when the first application of this act of Henry the 8th was made to any part of the metropolis?—No, but by the 47th of the late King, it is made to extend to the jurisdiction of these commissioners, and a reference is there made to the act of the 3d of James the First, and other acts.

The

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(11 June.)

The 47th of the King refers back to the authority of the acts of Henry and James?—Yes, and several others.

And upon those authorities you have acted?—Yes.

When a general rate is levied, either for repairs or new works, is there not a general survey made?—There is no work done without a previous survey.

Who authorizes that survey in the first instance?—The surveyor is generally instructed to make the survey under his general instructions.

Does not he take the authority of the board of commissioners, before he proceeds?—Upon all occasions, where there is any thing beyond a very small repair, the surveyor goes out and makes a survey, and a committee is called out and views, which committee reports to the general court, which court order and direct what shall be done.

That report, when made, is submitted to the consideration of a board of commissioners, and directions thereupon issued by them?—Yes.

Have you got any of those proceedings with you?—No, I have not brought any thing with me, I had no direction to do so.

Then the board applies to the sheriff to empanel a jury?—Not for each particular business.

When the jury proceed to view the premises, are they not accompanied by the surveyor?—No; the jury do not in all cases proceed to view; the jury have before them maps and plans, with all the officers of the commission sworn, to answer any thing they wish; if they are satisfied, they make their return accordingly to the court, if not, they proceed to view; it is in their option.

What has been generally the case upon these juries?—Of late the plans have been so satisfactory to them, with the evidence of the officers, they have not gone out in ordinary cases, to take any view.

Have they ever gone out?—Yes.

How often in the last six years?—Not at all, for making assessments, since our plans have been perfected and completed.

When was the last time they went out?—I am not able to state that.

Within ten years?—No, I think not, for making assessments.

Then, in truth and in fact, the surveyor originates the necessity of the work, and the surveyor ultimately decides upon it, by his representation to the jury assembled to inspect the maps?—No, that is not so; the court decide upon the work on the report of the surveyor, and perhaps a committee besides.

Where is the use of the jury?—To say who shall pay for the assessments.

The jury decide upon looking at the map, and hearing the evidence?—Yes.

Where is the use of the jury, if the decision is to be made upon plans exhibited?—The jury have their option of viewing, if they think it necessary.

But according to your account, they generally accept the exhibition of the plans by the surveyor?—That is when the jury is called out to make the assessment; we have not called out a jury to decide upon new works. I would wish to add, that these rates are to maintain the sewers in existence, not to build new ones.

Upon what ground is it, generally speaking, that the rate is called for?—When the amount of the former rate has been expended, and generally exceeded, it is then, to pay off the debt, that they collect such further sum as may be necessary to do that, and to go on with.

When the jury are sent to make the assessment, what instructions are given them?—The charge is given them by the chairman of the court.

Are no written instructions given?—No.

Is that charge entered on your proceedings?—No, not the words of the charge.

What is the general bearing of those instructions?—As nearly as may be conformable to the words of the act; to say that certain expenses have been incurred in repairing and maintaining the sewers of a certain district; and they are required to return the persons who appear to them to be liable to contribute to those charges; it is as nearly as may be in these words, "That they are to inquire through whose default the said hurts and damages have happened, and who hath or holdeth any lands or tenements, or common of pasture, or profit of fishing, or hath or may have any hurt, loss or disadvantage, by any manner of means, in the said places, as well as near to the said dangers, lets and impediments, as inhabiting or dwelling thereabouts, by the said walls, ditches, banks, gutters, gates, sewers, trenches and other the said impediments and annoyances."

Then, in truth and fact, you resolve upon levying the rates, upon the authority of the surveyor?—I do not understand it so; the surveyor is not authorized to do any

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work, without the special order of the court, therefore the expense cannot be incurred. I have already said, that a committee is called out to view, that tnat committee report to the court, and the court determine. The surveyor is not authorized to do any work that amounts to more than 10*l.* without the especial intervention of the court.

Then, when the jury proceed to consider of an assessment, it is upon the principle of all housekeepers being liable, who may either derive a benefit, or avoid a damage, by the works in question?—Yes, it is.

What is considered the competency of a jury, so instructed to form a judgment and make a report?—Except from the general knowledge existing among the class of persons usually serving on such juries, I am at a loss to say.

Do the returns of those assessments specify all the districts, and the inhabitants of those districts, whom the jury calculate either may derive a benefit or avoid a damage?—Yes, they do.

Have you brought any of the assessments with you?—No, I have not.

[*The witness was directed to furnish the Committee with the same.*]

When an assessment is returned, what process does it undergo before a collection thereupon is authorized?—The decree of the court for making the rate.

The court pass a decree?—Yes.

For making a rate according to the assessment?—Yes.

How many persons may be present at that court when such a decree is passed?—Never less than six; there may be thirty, as it may happen.

The collectors are then authorized to collect from house to house, according to the rate so decreed?—Yes.

Who appoint those collectors?—The court.

Of what class in society are they in general?—Tradesmen, in the description of persons employed as parochial collectors.

Are they furnished with any particular instructions?—They have the order of the court for their proceeding.

Have they any instructions given them by which they are to regulate their conduct?—Yes, the order of the court contains those instructions.

Are those instructions on record?—Yes.

[*The witness was directed to furnish the Committee with a copy of the same.*]

Do those collectors give security?—Yes.

To what amount?—All who collect in town to the amount of 2,000*l.* two sureties jointly and severally bound with them; in the country, where the collection is small, the security is not so large.

Have you annual accounts for the last twenty years?—Yes, but not with me, the account books are at the office.

Under whose authority is the money so collected disposed of?—The authority of the court.

Upon what vouchers, or upon what application?—In the first instance, where there is a bill from any tradesman who has been employed, it is examined by the surveyors and the officers of his department, and laid before the committee, who investigate it and report it to the court, if fit to be paid or not, it having been signed by the surveyor and the clerk of the works.

Where is the money collected kept; in a private bank or the bank of England?—At Messrs. Drummonds.

Who appoints them?—The court.

By what authority are drafts paid by them?—All drafts for money must be signed by six commissioners.

Have you had any drawbacks upon your funds, or losses by your bankers at any time?—There was some time since by the house of Mainwaring, it is so stated in the accounts submitted to Parliament.

What is the average money collected and expended under this commission?—From twenty to twenty-five thousand pounds a year.

What audit do the accounts finally undergo?—None, beyond the commissioners.

Is this considered public money or private money?—It is public money, certainly.

Do you not know, that by the special law of this country, and the establishment of the Audit Office, that no public money can be received, either by a collective body or an individual, that must not finally undergo the audit of the General Audit Office at Somerset House?—I never knew that apply to this case; money issued from the Treasury

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Treasury or the Exchequer, undergoes that audit, but I never knew it extended to money received from the sewers, or other strictly local purposes.

If there be no control over this expenditure, is not the amount levied liable to be increased at will?—It depends upon the wisdom and discretion of the commissioners.

Have you had any defaulters among the collectors?—There has not been a defaulter among the collectors since somewhere about the year 1776 or 1778.

Have you had any defaulters amongst parties rated to the assessment?—Yes.

To what extent?—I cannot say, I am not prepared to state that.

Do the accounts delivered in to Parliament exhibit the amount of the defaults?—Not exactly in that way; they say so much assessed, and so much collected, the balance is not struck and shown; the precept did not require it, and we did not go further than the precept required.

In the case of an individual defaulter, that is a housekeeper not paying, what course do you pursue?—Summon the party to appear before the commissioners, or if it be a gentleman of consequence, where there is a probability that he may not have been informed of the collector's applications, write him a letter.

Does that realize the demand, uniformly?—Not uniformly; it has in most cases.

Have you had many distresses, to realize balances?—Not many; some we have had.

Of a late date?—Yes, they are issued from the court, but most commonly they are not ever served, the rates paid upon the party seeing the warrant.

Have you ever felt yourselves liable to an action at law, for a replevin in every distress you have made?—There has been one action brought against the commissioners, or rather their collector.

What was the result?—The verdict was in favour of the commissioners.

Were there any particular circumstances attending that case?—Yes, it was the case of one of those large houses at Kensington Gore; the party, Mrs. Stafford, refused to pay, alleging, she had no benefit from the sewer, not having any drain into it from her house, and being, as she stated, above the level. The witnesses who were examined satisfied the court there was a benefit and sufficient ground upon which to charge, therefore, the verdict was in favour of the commissioners.

In what court was this?—In the common pleas.

Did she bring an action to replevy, or did you bring an action to recover?—She brought an action against the collector for a trespass and seisin.

What means did the commissioners take to show that this defaulter derived a benefit from the works going forward?—By the examination of evidence to prove she had that benefit; their surveyor was examined, and other surveyors.

It is in evidence under the other commissions, that for every rate levied upon every individual, they are liable to an action at law, taking their ground for the levy as your board does, namely, either deriving a benefit or avoiding a damage; have you in any instances found this to be the situation of persons acting under this commission?—No.

Has that, do you suppose, proceeded from your having more opulent housekeepers to deal with, than in the case of the other divisions at the extreme ends of the town; the Tower Hamlets, Ratcliffe Highway, and other places where the commissioners feel they have no power to enforce any rate, but that it must be voluntary?—No such feeling has ever prevailed in the mind of the commissioners for Westminster, at least I have never heard of it, that they had any doubt on the subject.

Have you never had any cases on your assessment returns of parties rated, when you have been obliged to remit the demand?—Yes, under particular circumstances.

Have they been numerous?—No.

How often is the commission taken out?—Once in ten years, liable to be superseded at any time; the duration of the commission is stated in the act of Elizabeth.

Are there any contingent bills for extraordinary services for the officers of this board?—No.

When a jury is assembled, are they paid for their time, or how are they engaged to attend?—They are not paid for their time; there is a dinner given in like manner as is done with the commissioners when they assemble; they have a dinner; but I should state, in the first place, that the 4*s.* allowed to the commissioners is never paid, and every commissioner who stays to dinner, pays 5*s.* out of his own pocket.

Suppose the case of a house in Grosvenor-square; can that house derive a benefit or avoid a damage from sewers, either on that side, or on the north side, or the south side?—

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(11 June.)

side?—Yes; the sewers communicate one with the other in their way to the main sewer of the district.

Then, according to this interpretation, every house that has a sewer, however remote from the general main line, is to be assessed?—I should consider so.

Where is your main line?—It runs down the lowest part of every district; in most cases it is an original watercourse in the lowest part of every district, and every drain runs into that by means of collateral or other sewers.

For instance, a house situated in Grosvenor-square, how does that bear towards the general main?—I could show it by the plan, but I cannot trace it here.

Take South Audley-street?—The main sewer is close to that, and by means of a branch or collateral sewers, it reaches that main sewer.

So that your construction of the act is, that every drain of every house that communicates with the main sewer, is liable to an assessment for any repair necessary to be done to the main sewer?—Yes, it not only depends upon the house draining, but the street itself being drained, renders the inhabitant liable; it may happen there is no drain from the house, but if the street is drained somebody must pay for it; the surface of the street being drained, will render them liable.

When these rates are laid upon the housekeepers, according to what rule is it?—According to the rack-rent of the house.

How do you obtain that?—By the parochial assessment; it is marked out in the act how we shall obtain that; we apply to the vestries for a copy of their assessment, with the rack-rents.

And then the levy is made in proportion to the expense reported by the surveyor?—Not the expense reported by the surveyor, but as allowed by the court.

Is not the allowance of the court, an order upon the surveyor's report, either in confirmation or diminution?—No, it is upon the report of the committee.

What committee?—The committee who may have taken the view.

Is not the committee accompanied by the surveyor?—Yes; but I wish to impress it upon the Committee, that it does not depend upon the surveyor; he can incur no expense exceeding 10*l.* without the authority of a superior power.

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*Jovis*, 12° *die Junii*, 1823.

## PETER MOORE, ESQUIRE, IN THE CHAIR.

Mr. *John Houseman* again called in, and Examined.

[*The witness delivered in the commission under the great seal.*]

(12 June.)

WHAT part of Mary-le-bone falls under this commission?—The whole.

Gloucester Place?—Yes.

Who is your collector for that district?—I do not immediately recollect his name; we have five or six collectors; I rather think it is Oak; I forget whether it is Oak or Hutchins. This is another commission for the duchy of Lancaster [*producing it.*] The commission under the great seal, dated the 19th February 1816, and a commission under the duchy of Lancaster, dated the 6th March 1816, because a part of the district is in the duchy. I have here four presentments of juries; this is for the eastern division of the Westminster sewer; they are all in substance the same.

They have never been put in print?—No; here is a presentment on the eastern division of the Westminster sewers, dated the 8th March 1822, and a presentment on the district of Pall-mall, of the same date.

It is a jury of twelve, is it not?—Twenty-four are summoned.

Will you give their names in, and state what they each are?—Those are all of the same date, and of course, the names are the same to them all; then the district called Ranelagh Sewer, of the same date; and the district called Countess Creek Sewer, of the same date. The names of the jurors are, William Storey, of Mount-street, mason; Edward Christian, of Little Queen-street, Holborn, gentleman; Thomas Briggs, of Charlotte-street, Portland-place, gentleman; John Faulkner, of the Strand, brandy merchant; George Yonge, of the Strand, watchmaker; James Hendre, of York-street, Westminster, plumber; William Wooodcock, of Great-Queen-street, Lincoln's

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Lincoln's Inn-fields, chinaman; Richard Owen, of Monmouth-street, Soho, tailor; William George Bentley, of Little-Queen-street, Holborn, perfumer; William Herbert, of Farm-street, Berkeley-square, builder; William Whitehead, of Little Cadogan-place, Chelsea, builder; William Brice, of Euston-square, Pancras, pavior, William Skeat, of Mount-street, bricklayer; John Edmonds, of Compton-street, Soho, upholder; William Read, of Compton-street, Soho, man's mercer; William Raymond, of Upper Gloucester-street, Regent's Park, builder; John Heron, Carlisle-street, Soho, builder; William Matthew Thistleton, of Great-Russell-street, Bloomsbury, printer. The same jury, attended by the same surveyor, Mr. Dowley, and the other officers of the commissioners, made the presentments.

Take any one of those commissions, and have the goodness to point out the different parishes included?—Hampton, Teddington, Twickenham, Isleworth, Hanwell, Brentford, Acton, Ealing, Hammersmith, Fulham, Kensington and Chelsea, in the county of Middlesex; and to and within the city and liberty of Westminster, and precincts of the same; and to Temple-bar, within the said county; and from thence to and within the parishes of St. Giles in the Fields, St. George Bloomsbury, St. Pancras, St. Mary-le-bone, Hampstead, Wilsdon and Paddington; and so to the river Thames, in the county aforesaid, or in the borders or confines of the same.

What is the date of this?—February 1816.

All the commissions have the same jurisdiction?—Yes; the duchy of Lancaster is issued, because a part of the district is within the duchy of Lancaster, part of the parish of St. Clements.

Is there any part of that parish that is not within your commission?—None at all.

Some within Lancaster, and the rest within Westminster?—Yes, I believe some are extra-parochial. The next document that the committee wished to see, is the decree of the commissioners for making the rate, which is here [*producing it*]. Here is the decree for making the rates upon these four districts, and here are the instructions; the appointment of the collectors, and their order for collecting and paying it, and fixing what the rate shall be.

Why do your receipts mention the landlord's tax?—It is because the law expressly states, that every person shall be taxed according to his portion, tenure or profit; now the landlord receives a profit from his house, and for that he is taxed; it is true, that in ninety-nine cases out of a hundred the landlord makes an agreement with the tenant to pay it, but we have nothing to do with private agreements; the broad principle of the law is, that every person shall contribute according to his benefit; for instance, if a person builds a house, he is to contribute.

Your whole proceeding depends upon the point, whether the party rated avoids a damage, or receives a benefit?—Yes; I cannot understand that any person can live in any street in London, without receiving a benefit from a sewer, provided there be a surface-drainage for the street.

Has there been any great alteration in the sewer or main, or whatever you call it, going from Mary-le-bone through Westminster, lately?—This is the great sewer which drains Mary-le-bone [*producing a map.*]

How far does that extend to the North?—To Hampstead, to the southern side of Hampstead-hill; it goes through Regent's Park, crosses the New Road here, and comes down to Oxford-street.

Who do those belong to that are forming in the New Road now?—That is for the "new street sewer;" we have nothing to do with that.

Who does that belong to?—They have a separate commission for it; a jurisdiction, cut out, as it were, from ours.

Have not those alterations become necessary, in consequence of new buildings to the northward of Oxford-street?—Certainly; there is no question about that, so far as regards the main line of sewer which drains St. Mary-le-bone.

Then the extraordinary expenses lately incurred in subsequent rates, are in consequence of new buildings?—The additional expenses are in part occasioned by new buildings; the sewer, in any state, must have been maintained, and all its collateral branches.

If those new buildings had not been erected, of course those extraordinary expenses had not been incurred?—Certainly not to the same extent as now.

Can you make a calculation what the difference of those expenses has been since those new buildings were commenced?—I have some difficulty in answering that; I can hardly say when the new buildings commenced.

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(12 June.)

How many ground landlords or estate landlords do you suppose there are in the whole parish of Mary-le-bone?—I have no means of answering that.

Are there but few?—I should think there are not many.

All those expenses have been incurred in consequence of these new buildings?—A large proportion; I cannot say all.

But to those expenses the inhabitants of the south side of Mary-le-bone are made to contribute?—Yes.

Can you state in what proportion the expenses fall upon the inhabitants south of Oxford-street, and the inhabitants north of Oxford-street?—I will bring some calculation at the next meeting of the Committee.

Can you state to the Committee the regular process of your proceedings, from the report of the surveyor; the services to be performed down to the collection of the rate?—I will submit a statement in writing; the instructions to the collector are principally contained in those decrees. I will hand in a printed copy of the warrant of a collector for collecting a rate.

[*The witness delivered in the same.*]

The Committee also desire to see the bye laws.—A copy of which I will hand in.

[*The witness delivered in a copy of the same.*]

It is said here, jurors fines for non-attendance; have you ever had occasion to fine any?—Not lately; they have been threatened with a fine, if they could not give a reasonable excuse for non-attendance.

You never have enforced it?—It has been formerly, many years ago; but we have not found it necessary; we have always had at least twelve attend, because we summon twenty-four, and we, therefore, always get a sufficient number to form a jury.

Has there ever been a fine levied for non-attendance?—Not within my time.

In case there were any fines levied, what is done with them?—They would be estreated into the Exchequer.

Be so good as to state the divisions of the different districts?—This has been altered by a late order; the divisions under the different clerks of the works; the northern district, under the clerk of the works, comprehends all parts northward of the ridge of Notting-hill, including Kensington-gardens and Hyde-park; all parts northward of Piccadilly and Coventry-street, and Princes-street, up to King-street; all parts northward and westward of King-street and Crown-street, together with those streets, and east and south end of Oxford-street and Tottenham Court-road, together with Great Russell-street, as far as the district of these commissions extend, and all parts northward thereof; the southern district comprehends all parts eastward and southward of the northern district above described, and down to the river Thames. It may be proper to add to this; that there have since been a clerk of the works established for the western district, who took under his charge whatever related to the district of Ranelagh sewer, and the Counters-creek sewer.

Will you give in the account of your expenses?—This is the mode in which the accounts are kept [*producing a book.*]

Did you not make a return to the House of Commons?—Yes.

Have you got one of those with you?—No, I have not; I thought I could get it here; the account is kept in a regular debtor and creditor account, as a merchant's ledger would be, and there is a cash-book, showing all the receipts and disbursements as they occur.

Do the board ever apply a second time to any housekeeper for a rate, before the whole of the jurisdiction have paid the first?—Yes; whenever any person does not pay the assessment when it is made, it is carried over, as an arrear on the premises; it is not lost sight of.

But in the mean time, a second application is made to those who have paid?—Yes, the arrears are generally very inconsiderable in amount.

How are the collectors called upon to settle their accounts; to make their payments?—The standing rule for the collectors making their payments is this; every collector is to pay in to the treasurer, as soon as he has got 100*l.* in hand; at any rate, he is to make a payment once in the course of a fortnight, whether he has 100*l.* or not; and once a month their books are given into the office, to be examined, when every shilling they have in hand is paid up, and the accounts submitted to the court.

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In case of arrears, is he called upon to state the reasons for each individual arrear?—He is. *Mr. J. Houseman.*

What power is the collector furnished with when a rate is resolved; with what kind of instrument?—The instructions I have given in. (12 June.)

Has not he a list of houses?—He has a book given him, containing the names and the amounts.

He has a book, by which he is to regulate his demands, stating the amount of the rate, and the premises by which payment is to be made?—Yes.

Have you had many occasions occur on which to issue a distress for nonpayment of the rate?—We have had many occasions to issue summonses for a nonpayment of a rate, which is the previous process, before a warrant of distress is issued; the warrants of distress are comparatively few, and of those which are issued, still fewer are carried into effect.

There has been a return made by your board to the House, inclusive, up to part of the year 1822; if a printed copy is delivered to you, can you not easily bring it up to the present period?—I can.

Are not all the officers of your establishment on fixed salaries?—They are.

[The witness produced a general plan of the districts discharging into the Thames, between the city of London and Fulham, under the jurisdiction of the commissioners of sewers for the city and liberty of Westminster, and part of the county of Middlesex.]

This shows the eastern division of the Westminster sewers, and all the other districts under the jurisdiction of the commissioners.

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*Martis, 17° die Junii, 1823.*

## PETER MOORE, ESQUIRE, IN THE CHAIR.

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Mr. *John Houseman*, again called in;

And delivered in the following Statement, pursuant to the direction of the Committee, which was read as follows:—

"A Statement of the mode of proceeding of the Commissioners of Sewers, for the city and liberty of Westminster, and part of the county of Middlesex, from the time of their receiving a complaint of a defect or breach in a sewer, to the time of their making an assessment to pay for works done. (17 June.)

"A book is kept at the office of the commissioners, in Greek-street, Soho-square, in which is entered the representation of any party who may have to complain of a defect in a sewer, or a drain communicating with a sewer; the surveyor or one of the clerks of the works (*a*) goes immediately to the spot, and if it be found that the defect complained of be in a private drain, (*b*) the party to whom the drain belongs is informed of it, in order that he may proceed to remedy such defect at his private expense; if the defect be in a public sewer, and the remedy or repair be not likely to exceed in amount the sum of ten pounds, the surveyor, to prevent any inconvenience arising from delay, gives an order to the contractor, (*c*) and the work is forthwith done; but if the necessary work, as in the case of a public sewer having fallen in, be likely to exceed the sum of ten pounds, the surveyor then causes the ground to be opened, and whatever obstructions there may be to the passage of the water, to be removed, in order that the neighbourhood may experience as little inconvenience as possible, and after a consultation with the chairman, (*d*) a time is appointed for a committee (*e*) to be called out to view the breach; in the mean time, the surveyor ascertains the extent of the defect, prepares a plan and section, and draws up a particular report upon it, and suggests such works as may appear to be required, accompanying the whole by an estimate of the expense, the estimate being formed in conjunction with the contractor, according to the fixed prices established by his contract. Upon the meeting of the committee, they repair to the spot, when the plan, report and estimate, are submitted to them by the surveyor; upon these occasions, some of the commissioners, competent to form a judgment upon the subject, when it may be thought necessary, descend into the sewer, for the purpose of ascertaining the correctness of the surveyor's statement, and if, upon due consideration,

*Mr. J. Houseman.*

(17 June.)

it be approved, it is so submitted to the court, (*f*) in a report from the committee, in order that if then confirmed, the works may be done according to the estimate; it being an established rule, that no committee can, without a special authority from the court, give an order that may incur even the smallest expense. If it should so happen, that the committee do not in the first instance fully approve of the surveyor's report or suggestion, further information is called for, and other meetings of the committee are appointed.

" During the progress of such works, they are constantly superintended by the surveyor, assisted by the clerk of the works, who keeps daily and weekly accounts of the materials used and number of men employed, to serve as a check upon the contractor's bills; all works of great magnitude are also frequently inspected, and the progress made, reported by committees of commissioners.

" The surveyor makes to the commissioners a monthly report of all works which have been done since the preceding month, as well as of such as may be at the time in hand at the public expense.

" The contractor's bills are brought regularly into the office at the expiration of each quarter of the year, when they are strictly compared with the accounts kept by the surveyor and clerks of the works, and the prices charged are cheked by the contract; the whole is then certified by the surveyor and the clerks of the works, and submitted to the consideration of the committee, upon whose table such bills remain from one meeting until another, being one month, in order that during that time, every commissioner may have an opportunity of making such an investigation of the charges as he may think proper, upon the ensuing meeting of the committee; if there be not any ground of objection to the bill, it is recommended to the court for payment, and after being approved and allowed by the court, the amount is in due course of time paid to the party.

" The bill, after being allowed by the court, is delivered over to the clerk, who enters an abstract thereof into a " bill book," and afterwards passes it through the " journal," into the " ledger," where credit is given to the contractor for the amount thereof, and a charge made against him for the monies paid. The several districts or divisions of the sewers (*g*) are then charged in the ledger, with the amount expended upon them respectively.

" There are other accounts which are only once in the year delivered into the office, such as the paviours employed in the respective parishes, for paving over places in the streets which have necessarily been taken up, to afford access to the sewers, for repairs or other purposes; there are also, bills from the trustees of the several roads within the district, for gravelling and making good the roads, where they may have been broken up for the like purposes. These bills all undergo similar investigation, and are carried into the books of the office in a similar manner. At the end of each year, a general balance is made of all accounts, in the ledger, preparatory to an audit, which takes place at a general meeting of the court, on the third Tuesday in March. The result of the examination of the accounts is laid before the first general court, in April, when upon consideration of the amount of debt due from any of the districts or divisions of the sewers, and an estimate of the money that may further be required for works in such divisions or districts, the court determine upon which of them rates shall be made, and direct the clerk to prepare accordingly.

" The preparation to be made by the clerk, consists in obtaining from the respective parishes, copies of the parochial assessments, and marking out, with the assistance of the surveyor, such parts of the parishes as come within the district to be rated, and preparing a draft of a presentment, to be submitted to the jury.

" In due time, a precept is issued from the court to the sheriff of Middlesex, to return a jury, to inquire of such matters and things as shall be given them in charge, touching the ditches, banks and sewers within the limits under the jurisdiction of the commissioners. Upon the appearance of the jury before the court, they are sworn, and a charge is given to them by the chairman, explaining the nature of the inquiry they are called upon to make. The officers of the court are also sworn to give true evidence to the jury. The jury then withdraw to the room provided for them, and from the evidence laid before them, agree upon such presentment as they may judge proper; they then return to the court, and present accordingly. But if they should not be satisfied with the evidence produced, they are at liberty to take such other means of satisfying themselves upon the subject as may to them seem proper.

" When the court have received the presentment, they give public notice thereof, and

and appoint two separate days for hearing the appeals of any persons who may find reason to object thereto; but this does not preclude the further appeals of parties at any time during the collection of the rate.

" If there appear no objection to the presentment of the jury, it is confirmed by by the court, and a decree passes for making a rate or rates, accordingly; the rate-books being prepared by the clerks, are then ratified and confirmed, and delivered to the collectors in order to their being collected.

" The collectors, from time to time, present to the court lists of such persons as neglect or refuse to pay the rates; every person whose name is contained in any such list, is then summoned to appear before the court at an ensuing meeting, after the lapse of a month, and show cause, why his goods and chattels should not be distrained and sold according to law, to make payment of the sum assessed on the premises in his occupation, towards the necessary expenses of making, cleansing and repairing the common sewers within the district to which he may be assessed; if the party appears, he is heard, and his case decided as may seem to the court to be just and equitable; if he fail to appear, a further month is allowed; after that time, the collector is at liberty, if the rate remain still unpaid, to apply for a warrant of distress. The warrants applied for by the collectors are very few, compared to the number of persons assessed; and of those issued, a comparatively small number is found necessary to be executed.

" Besides the works done at the public expense, and for which the rates before-mentioned are made, there are very considerable works for building new sewers, and for laying drains into sewers done at the expense of private individuals, under the superintendence of the surveyor and other officers employed by the commissioners, according to the direction of the act of the 47th Geo. 3, c. 7, (Loc. and Pers.) which enlarged the powers, and extended the jurisdiction of the commissioners of sewers; and directed among other things, that previous to the making of any new sewer in any street, lane or public way, or in any part intended to become a street, lane or public way, within the limits of the commission; or to carry or drain off water from any house, building, yard or ground, into any sewer under the management or within the jurisdiction of the commission; notice in writing shall be given to the commissioners, or to their clerk at their office, and that such new sewer or sewers shall be constructed and made in such manner and form, and with such materials and workmanship, under the survey and control, and according to the direction of the said commissioners, their surveyor, or other person by them duly authorized, and not otherwise; and the commissioners receive a report monthly from their surveyor, of all works of this nature which have been completed, and of the progress made in others since the preceding month.

" It has occurred to me, while preparing this statement, that I could not more fully illustrate the effect of the mode of proceeding of the commissioners, which I have submitted, than by showing its application to the line of sewer, called the King's Scholars Pond Sewer, which is one of the principal lines of sewer under their management, and extends from the south side of Hampstead, through the parishes of Saint Mary-le-bone, Saint George Hanover-square, and Saint James Westminster, then forming the boundary between the parishes of Saint Margaret and Saint John the Evangelist, Westminster, and a part of the parish of Saint George Hanover-square, and emptying itself into the Thames to the westward of Vauxhall bridge.

" Upon the opening of a new commission of sewers in the year 1806, the commissioners received such repeated representations of the serious injury arising to different parts of the district under their jurisdiction, from the defective state of the sewers, but more particularly from the district drained by the sewer called King's Scholars Pond Sewer, that they were induced to appoint a committee to take a particular view of the open part of that sewer, from the river Thames upwards, as being the part upon which any improvements which might be required, should, in order to be effectual, commence.

" This committee having taken their view, presented a report on the 16th October 1806, to the court, and proposed certain remedies for the evils which they found to exist in that part of the sewer; but aware of the importance of this line of sewer to the public health and convenience, and of the mature consideration required before any works should be undertaken, recommended that the opinion of an engineer should be taken thereon; and the court being also of opinion, that such advice would be proper, directed that the late Mr. John Rennie should be consulted.

" In the mean time, a committee of the commissioners, to whose consideration had been referred whatever related generally to the improvement of the sewers, deeply

*Mr. J. Houseman.*

(17 June.)

impressed with the necessity for reformation of the main line of the King's Scholars Pond Sewer, presented on the 19th of February 1807, a report, detailing the evils existing throughout that line of sewer; this report the court referred, on the 23d of the same month to Mr. Rennie, the engineer above mentioned, in order that he might propose what should appear to him to be the proper remedy for the evils pointed out; several other papers upon the subject were also referred to him by the court, on the 13th March 1807.

"The commissioners received two reports from Mr. Rennie, dated the 27th May 1807, and the 18th March 1808, in which he recommended very considerable deviations from the ancient line of sewer.

"In order to carry into effect the plan proposed by Mr. Rennie, there would have been required a much larger sum of money than could have been raised by the occasional rates of the commissioners; and they would have been under the necessity of applying to Parliament for authority to borrow money, and would thereby have entailed a heavy burthen on the district, for the payment of interest and the principal so borrowed; for the purpose, therefore, of avoiding what they considered would be so burthensome to the district, the commissioners directed their surveyor to prepare for their consideration a detailed report of the defects in the main line of the King's Scholars Pond Sewer, and the mischiefs arising therefrom.

"This report was presented by the surveyor on the 13th April 1808, and he was directed to consider, whether any and what improvements could be made in the sewer, so as to remedy the defects mentioned in his report; and on the 11th June 1808, he presented a report upon the improvements required.

"The consequence of the inquiries made on the subject, has been, that the commissioners resolved to confine their improvements to the ancient and natural watercourse in the low lands, instead of the very expensive project of diverting the sewer into a new channel; a project less useful to the district to be drained, liable to future difficulties and subject to an expense probably not less than 300,000*l.*; and the commissioners have therefore from the year 1808, been acting upon the principle of enlarging and deepening the sewer, and removing the numerous defects which existed therein, a mode of proceeding which has been most highly beneficial to the low lands in and about Westminster, limiting themselves in so doing, to an expense not perhaps amounting to so much as would have been paid for interest only, of the money that must have been borrowed to make a new line of sewer, as proposed by Mr. Rennie, besides leaving the debt so incurred still unliquidated; the commissioners are thus proceeding gradually towards the accomplishment of the desired improvement of the drainage, and carrying on all the ordinary works required in the collateral sewers in the district, at an expense not exceeding on the average from the commencement of the improvements in the year 1808, an annual rate of three-pence one-farthing in the pound, on the district benefited by the improvements.

"*John Houseman*, Clerk."

Sewers Office for Westminster and part of Middlesex,
Greek-street, Soho-square, 17th June 1823."

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NOTES referred to in the preceding Statement.

(*a.*) From the great extent of the district in which the works of the commissioners are carried on, being between the parish of Fulham on the west, and Temple-bar on the east, there are three clerks of the works appointed to assist the surveyor.

(*b*) A private drain is a drain which leads from the premises of an individual, to the public sewer, which sewer, at least all those of modern construction, are in the public streets or ways.

(*c*) The works upon the sewers consist of those of the digger, bricklayer, carpenter, mason and smith; and in order to secure their being done upon the best possible terms for the public, the contract for such works is from time to time put up to public competition.

And in order to enable each individual commissioner to execute the authority given to him under the commission, truly and indifferently, without favour or affection towards any one, there is a standing resolution of the court, that no person, being a commissioner of the court of sewers, nor any person related to a commissioner, of and within the second degree, either by birth or marriage (uncle and nephew being for this purpose deemed to be related to each other in the second degree), nor any person connected with a commissioner by co-partnership in any business or concern, shall hereafter be appointed, or continued to hold any office or place of profit or emolument under the commissioners

commissioners of the court, or be allowed to furnish any articles, or do any business or work under the commissioners, for which the money appertaining to sewers is to be paid, except in cases where the commissioners are under the necessity of employing any such person by reason of his being the contractor under another board, except in cases where an opinion only is to be taken on a specified object.

(*d.*) The chairman is appointed annually from among the commissioners by the court, at the first meeting in the year.

(*e.*) The committee consist of such commissioners as may have inserted their names in a book, which is constantly laying on the table of the court-room, intimating their wish to be summoned on all committees; the number of gentlemen whose names are so inserted, generally consists of from thirty to forty; all committees are, notwithstanding, open to every commissioner who may think it proper to attend.

(*f.*) The court meets regularly on the third Friday in every month throughout the year, during the first year after the issuing of a new commission; all who are nominated thereon are specially summoned to every court during that year; after that time it has been usual to summon only those who have attended and been sworn.

There are also regular meetings of the committee on the first Friday in every month throughout the year; and to the end that every commissioner may know whether he shall have been summoned or not when these meetings are to be held, a card is sent to each commissioner at the beginning of the year, showing the several days of meeting during that year.

There are in addition to the regular meetings of the court and committee, other meetings held, as occasion may require, so that the number of meetings may be generally averaged at least once in the week throughout the year.

(*g*) The different divisions of the sewers and districts in which works are carried on, are as follow:—

Eastern division of the Westminster sewers, including several districts; viz.
- Essex-street sewer.
- Strand-lane sewer.
- Somerset Watergate sewer.
- Durham-yard sewer.
- Hartshorn-lane sewer.
- Pall-Mall sewer.

Western division of the Westminster sewers, including several districts; viz.
- King-street sewer.
- College-street sewer.
- Wood and Pye-street sewer.
- Romney-row sewer.
- King's Scholars Pond sewer.
- Ranelagh sewer.
- Counter's Creek sewer.

The lines of the several sewers and the districts drained by them, are particularly shown on the accompanying plan.

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Mr. *Houseman*.—I have also, in answer to a question put to me on the last day, to deliver in a statement of the different proportions of the number of inhabitants assessed, north and south of Oxford-street.

[*It was delivered in and read, as follows:*]

"Statement of the proportions in which the inhabitants to the northward, and those to the southward of Oxford-street are assessed, to the western division of the Westminster sewer:

"The proportions which the inhabitants to the northward of Oxford-street are assessed, is as nearly as may be one half of the amount of the assessment.

"The proportions assessed upon the inhabitants southward of Oxford-street, is as nearly as may be the other half of the amount of the assessment.

"*John Houseman*, Clerk."

Mr. *Houseman* delivered in a "Report of the committee, appointed by an order of the court, of 10th October 1806, for viewing the state of the open sewer, from Pimlico to the Thames." Also, a "Report presented on the 27th of May 1807, to the commissioners of sewers for the city and liberty of Westminster, and part of the county of Middlesex, suggesting means for the improvement of the drainage of that district, now drained by King's Scholars Pond sewer, by John Rennie, civil engineer." Also, a "Report presented on the 18th March 1808, to the commissioners of

sewers, by John Rennie, civil engineer." Also a "Report presented on the 13th April 1808, to the commissioners of sewers, by William Treadgold, surveyor to the commissioners."

*Mr. John Dowley.*

(17 June.)

Mr. *John Dowley*, surveyor to the Westminster commissioners of sewers, delivered in a statement of certain levels, which was read, as follows:

"Sewers Office for Westminster, &c. 17th June 1823.

The following are the levels or altitudes of certain streets above the highest high-water of the river Thames (measured from the surface of the carriage roads):—

| | Above the highest high-water level. ft. | in. | |
|---|---|---|---|
| The Strand: | | | |
| At the north end of Northumberland-street | 19 | 7 | 6 |
| End of Wellington-street | 35 | 6 | – |
| North end of Essex-street | 27 | – | – |
| Haymarket: | | | |
| West end of Coventry-street | 52 | – | – |
| Pall Mall: | | | |
| Opposite the south end of St. James's-street | 13 | 3 | – |
| Piccadilly: | | | |
| At the south end of Air-street | 49 | 8 | – |
| North end of St. James's-street | 46 | 7 | – |
| South end of Whitehorse-street | 24 | 6 | – |
| Princes-street: | | | |
| At the west end of Gerard-street: | 61 | 4 | – |
| Broad-street, Bloomsbury: | | | |
| At the west end of Drury-lane | 65 | – | – |
| Oxford-street: | | | |
| At the south end of Berners-street | 74 | 3 | – |
| Near to Stratford-place | 59 | 4 | – |
| Crossing the Regent-street | 76 | – | – |
| At the south end of Orchard-street | 70 | 4 | – |
| New Road, St. Mary-le-bone: | | | |
| Opposite the north end of Cleveland-street | 80 | 10 | – |
| Centre of the Regent Circus | 77 | 2 | – |
| At the north end of Gloucester-place | 72 | 3 | – |
| Regent's Park: | | | |
| At the road on the north side of the aqueduct crossing the Regent's canal | 102 | 6 | – |
| Great George-street: | | | |
| Opposite the south end of King-street | 5 | 6 | – |

Westminster:

The whole surface of Westminster, excepting a small part surrounding the Abbey, and a very small part of the Horseferry-road, is below the level of the highest tide.

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*Jovis, 19° die Junii, 1823.*

## PETER MOORE, ESQUIRE, IN THE CHAIR.

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Mr. *John Houseman* again called in; and Examined.

*Mr. J. Houseman.*

(19 June.)

HAVE you brought with you any papers?—I have brought, according to order, a description of the several sewers within the jurisdiction of the commissioners of sewers for Westminster, &c. to be annexed to the statement which I had the honour to deliver at the last meeting of the Committee.

[ *The*

[*The witness delivered in the same, which was read, as follows:*]

*Mr. J. Houseman.*

(19 June.)

" The different divisions of the sewers, and the districts in which works are carried on, are as follow:

" The eastern division of the Westminster sewers, including several districts, viz.

" Essex-street sewer, extending from Duke-street, Bloomsbury, under divers streets, squares, courts, and places, to Essex-street, and under that street to the river Thames.

" Strand-lane sewer, extending under the Strand, from the east end of the New Church, under Strand-lane, to the river Thames.

" Somerset Watergate sewer, extending under ground from the watch-house belonging to Mary-le-Strand, to the south end of Catherine-street; thence under and across the Strand, to a certain place formerly called Somerset Watergate, and thence to the river Thames.

Durham-yard sewer, having four different branches, commencing respectively in Bow-street, Covent-garden, Hart-street, the Strand, near the end of Southampton-street, and Exeter-street, draining all the intermediate neighbourhood between the commencement of the said sewers and the river Thames.

" Hartshorn-lane sewer, having two branches, the one arising in Museum-street, St. George's, Bloomsbury, proceeding southwards through parts of the parish of St. Giles in the Fields, to the bottom of St. Martin's-lane; the other branch commencing in Warren-street, St. Pancras, proceeding through different parts of the said parish to Berners-street, through Poland-street, Berwick-street, Princes-street, to Panton-street, down the Haymarket, through Cockspur-street, to the bottom of St. Martin's-lane, where both the branches unite, and run down Northumberland-street, formerly called Hartshorn-lane, to the river Thames.

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" Pall Mall sewer, having two branches, the one commencing at the north end of Upper John-street, Golden-square, and proceeding from thence towards the south, under different streets and places, until it reaches the bottom of George-street in Pall Mall; the other branch commencing in Cleveland-row, proceeding along Pall Mall to George-street, where both branches unite, and pass under Cockspur-street and Charing-cross, to Scotland-yard, and thence to the river Thames.

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" The western division of the Westminster sewers, including several districts, viz.

" King-street sewer, draining, by means of two separate branches, several parts of Westminster, between Downing-street, King-street, and the river Thames.

" College-street sewer, formerly called Long ditch, draining several parts of Westminster, in the neighbourhood of Princes-street, Dean's-yard, and College-street, and running into the Thames through Abingdon-buildings, formerly called the Slaughter-house, at Mill-bridge.

" Wood and Pye-street sewer, commencing in Duck-lane, Westminster, draining the neighbourhood of Orchard-street, Old Pye-street, Great St. Ann's-lane, Great Smith-street, and Great Peter-street, Little Peter-street, and Wood-street, crossing Milbank-street, to the river Thames.

" Romney-row sewer, extending from the west end of Vine-street, along part of Romney-row, under buildings and other premises to the north side of the Horse-ferry-road, and thence to the river Thames.

" King's Scholars Pond sewer, commencing on the south side of Hampstead-hill, and extending thence southward through and draining the principal parts of the parishes of St. Mary-le-bone, St. George Hanover-square, St. James, St. Margaret, and St. John the Evangelist, to the river Thames.

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" The Ranelagh sewer, having two branches, the eastern branch commencing near to the western side of Hampstead-hill, and the western branch, near to the south side of Shoot-up-hill; the two branches extending in a southern direction through part of the parish of Hampstead, unite on the east side of Kilburn-bridge, and proceed through the parishes of Wilsdon and Paddington, across the Uxbridge-road, through Kensington-gardens and the Serpentine river in Hyde Park, under the bridge at Knightsbridge, through the parishes of St. George, Hanover-square, St. Margaret, Westminster, Kensington, and Chelsea, to the river Thames, at the south-east angle of the garden of Chelsea College.



" The

*Mr. J. Houseman.*

(19 June.)

"The Counter's-creek sewer, commencing in the parish of Wilsdon, and passing under divers bridges, and through the several parishes of Paddington, Fulham, Kensington, and Chelsea, to the river Thames, near to the west side of Battersea-bridge.

"These several principal or main lines of sewers, in their progress towards the river, receive the water from all the collateral sewers within their respective levels.

"The lines of the several sewers, and the districts drained by them, are particularly laid down in the accompanying plan. *John Houseman*, Clerk."

Mr. *Houseman*.—I have also brought a return of all sums rated by the commissioners of sewers for the city and liberty of Westminster, and part of the county of Middlesex, distinguishing the amount collected; at what rate and how the same has been expended, under distinct and separate heads of works, establishment, contingent expenses, &c. for the years 1822 and 1823, as far as the same can be made up, being a continuation of the account presented on the 31st July 1822, prepared in pursuance of an order from this honourable committee.

[*The witness delivered in the same, which was read, as follows:*]

Sewers Office for the City and Liberty of Westminster, and part of the County of Middlesex, 19th June 1823.

A RETURN of all Sums rated by the Commissioners of Sewers of the City and Liberty of Westminster, and part of the County of Middlesex, distinguishing the Amount collected, at what rate, and how the same has been expended, under distinct and separate Heads of Works, Establishment, Contingent Expenses, &c. for the years 1822 and 1823, as far as the same can be made up; being the continuation of the Account presented on the 31st July 1822.

| 1. | 2. | 3. | 4. | 5. |
|---|---|---|---|---|
| YEAR | District rated. | Amount of Rate. | Amount collected. | At what Rate in the Pound. |
| 1823. | Western Division of the Westminster Sewers. | £. 35,846 | s. 19 | d. — | Collection not yet completed. | 8 *d.* |

| 6. | 7. | | | 8. | | | 9. | | |
|---|---|---|---|---|---|---|---|---|---|
| AMOUNT RECEIVED. | 1822 From the 1st July. | | | 1823 To the 31st May. | | | TOTAL. | | |
| | £. | s. | d. | £. | s. | d. | £. | s. | d. |
| Cash remaining in hand on the 30th June 1822, as per account presented on the 31st July 1822 | 846 | 18 | 4 | — | | | | | |
| Collected on rates | 10,059 | 16 | 6 | 17,398 | 11 | 9 | | | |
| | 10,906 | 14 | 10 | 17,398 | 11 | 9 | 28,305 | 6 | 7 |
| WHEN AND HOW EXPENDED. | | | | | | | | | |
| Works | 7,853 | — | 6 | 15,234 | 8 | 3 | | | |
| Establishment | 863 | 13 | — | 848 | 4 | — | | | |
| Occasional services | 145 | — | — | 68 | 5 | — | | | |
| Stationery and printing | 4 | 13 | 11 | 168 | 9 | 2 | | | |
| Office expenses | 114 | 5 | 10 | 137 | 9 | 6 | | | |
| Law expenses | 1,058 | 3 | 3 | 152 | 11 | — | | | |
| In Parliament, opposing objectionable clauses in private and local bills | 5 | 5 | — | — | | | | | |
| Advertisements | 5 | 14 | — | 5 | 2 | — | | | |
| Fees on estreats of fines into the Exchequer | — | 3 | 6 | — | 3 | 6 | | | |
| Copies of parochial assessments | 44 | 10 | — | — | | | | | |
| Expenses of juries | — | | | 54 | 12 | 6 | | | |
| Postage of letters | 3 | 8 | 2 | 4 | 16 | 3 | | | |
| Overpayments returned to collectors and other persons | — | 11 | 4 | 44 | 9 | — | | | |
| Contingencies | 114 | 3 | 6 | 134 | 8 | — | | | |
| | 10,212 | 12 | — | 16,852 | 18 | 2 | 27,065 | 10 | 2 |
| Cash remaining in hand on the 31st May 1823 | | | | | | | 1,239 | 16 | 5 |
| | | | | | | £. | 28,305 | 6 | 7 |

*John Houseman*, Clerk.

*Mr. J. Houseman.*

(19 June.)

By what rule do you judge of the sum required annually for the sewers?—We can make an average calculation, from the knowledge we have gained of what has passed, what may be required in future for the ordinary works.

Is that done by a survey of the state of the sewers?—No.

How then?—By comparing what has been the expenditure in times past, and we suppose the same expenditure may be in future; it is the ordinary works; if there is in contemplation any improvement, a certain sum according to the work is put down for that in addition.

What was the nature of the law expenses in 1822?—A sewer was under repair in Clements-inn-passage under some very old houses; the commissioners gave notice to the parties to whom the houses belonged to shore up and take care of their premises, while they were at work; the parties would not take the least measure towards it; the commissioners did not apprehend it was their duty to do more than was necessary to secure their workmen; they did all which was necessary, but notwithstanding that, one house came down and brought down three or four others; there was an action brought; the commissioners did not consider it was a case where the expense should fall upon the public, but it was decided otherwise in the court of King's Bench, the commissioners were cast. A small portion of it was from another action, Stafford *versus* Hampston, tried in the court of Common Pleas, which the commissioners gained; but there were still taxed costs to be paid.

Was not the amount of the taxed costs a great deal more than was obtained?—The question was on the law of rating that district; many other cases depended upon it.

In what part was that?—Kensington Gore, one of the large houses over-looking Hyde Park, occupied by Mrs. Stafford.

Will you have the goodness to distinguish between the amount of the damages and of the costs in the case you have referred to in Clements-inn-passage?—That sum does not include the damages at all; that sum consists of the costs on both sides.

Has the result of either of the actions contributed to establish your authority in levying rates?—Yes; the decision in the case of Stafford *v.* Hampston; the party claimed an exemption, not having an actual drain from her premises into the sewer, and we obtained a verdict.

Do you speak as to the party at Kensington Gore, or generally for the whole of that district?—The question was tried on the individual case.

Have you had any individual cases since that?—No, we have not.

Have you collected from that district since?—Yes.

Without any balances?—Very trifling.

You have no particular survey on which you act for the season?—It would not be possible.

You calculate on the services which have been performed, and draw your conclusion what may be wanted in the current year?—Yes, exactly so; we cannot know of the defect in a covered sewer until it actually falls in.

When did the King's Scholars Pond sewer in Tothill-fields originate?—That sewer was originally a water-course, running as it does now, from Hampstead down to what is called in our old records King's Scholars Pond, and from thence to the river Thames.

Where does it empty itself?—To the westward of Vauxhall-bridge; it was originally a natural water-course, and as the town became built upon it was covered over by the builders. It is known by different names; in some places about Oxford-street it went by the name of Aye brook; the buildings in the lower parts of Tothill-fields do not drain into that; it is prepared for them, but they have not built a sewer to drain into it; it would be a happy thing if they had.

Where do they empty themselves?—Many of them have no drain at all, the water is stagnant; we have no power to compel parties to build sewers; if they do build them they must build them according to our directions; a special authority would contribute very much to the public service if it was vested in us.

What is the general elevation of the metropolis at high water?—I cannot speak to that.

Has not the establishment of the Regent's canal very much accelerated the general sewage of the metropolis?—It has nothing to do with it at all.

Does not it drain the country at all?—Not at all; it has no connection with the sewage of the metropolis.

*Mr. J. Houseman.*

(19 June.)

Has not the great sewer of the new street contributed towards the draining of the metropolis?—No; I am not aware of any advantage derived from it, beyond the draining of the street itself; they are now preparing that it shall drain Mary-le-bone Park.

At whose expense is this done, of the builders?—The crown property, it is a crown estate; in fact, the crown is doing what a private landlord would do; they are building the sewer, and getting repaid according to such arrangement as they may make with their builders or other parties.

Were those sewers within your general jurisdiction?—Yes, they were; but when the act took place for making the new street, the jurisdiction was taken from us, and vested in commissioners nominated by the commissioners of the new street.

So that is a system appertaining to the woods and forests, totally independent of the commissioners of sewers?—It is.

Would it be easy to form a communication and to unite the two systems?—I am not able to answer that; that is a question rather for the surveyor than for me. I do not profess to speak to the practical part relating to works.

Had you ever any conflicts with other boards of commissioners of sewers, as to jurisdiction?—No, we have not; we had a meeting of a deputation from our commissioners and a deputation from the Holborn and Finsbury division, and a line of demarcation between the two was laid out on a map and was agreed to between the two commissioners; that is the only one which immediately adjoins us; by this precaution we have avoided every thing of the kind.

Does not the new street sewer intersect you?—Yes, it runs right through the middle of ours.

Have you had any kind of conflict with them?—Never.

You have never either attempted to put works upon them, or they upon you?—No, we have had an understanding; whenever any question was likely to occur, we have had meetings with the officers of that department, and every thing was arranged so as to prevent the possibility of dispute, insomuch, that the line of demarcation is regularly observed; the expenses of all works would be regulated by it.

Can you describe the boundaries of the new street sewer?—I consider its boundary to be the street on each side, and not to comprehend any thing out of it.

Do you consider that sewer to be of any public utility to the public sewage of the metropolis beyond its own boundaries?—I do not.

Is it meant that this sewer should extend to the other side of the New Road in Mary-le-bone parish?—It is meant, as I have understood, that it should extend into and drain the whole of Mary-le-bone Park, the Regent's Park; I cannot particularly speak to it.

Here is an article, "Over-payments returned to collectors and other persons;" have the goodness to explain the nature of that?—In the year 1822, there is 11*s.* 4*d.*; a party perhaps comes to the board, and makes an appeal after he has paid his rate; the commissioners do not let that operate to his prejudice, but direct the collector to return it to him; perhaps the collector may have previously paid in the money. In the year 1823, there were 44*l.* 9*s.*; that was the lessees of Covent-garden market; they made an appeal on the rate charged them, and, on their appeal, the commissioners accepted a composition for the market; and though the money had been paid by their tenants, they allowed the money to be returned, that parties might not be prejudiced by their promptness in paying; and, occasionally, where there has been a similar item, it may have occurred from the collector having a receipt from the treasurer in a wrong book.

Proceeding, in that case, from errors of the collectors making up accounts?—Yes.

It appears, that there is a balance of 1,239*l.* 16*s.* 5*d.* in hand; what sum is it considered will be required for the current year?—We calculate from twenty to twenty-five thousand pounds as sufficient for the services, provided we do not calculate upon any particular improvement to be done; we are going on progressively with improvements, in addition to the ordinary works, so as not to make the rates too heavy. Mr. Rennie's estimate was only for one district; as breaches occur in the others, we make improvements in the main lines, and in the collateral branches too; so that, in time, the thing will be perfect.

The commissioners thought it preferable to do the thing gradually than to undertake the whole at once, under the plan of Mr. Rennie?—Yes.

What

*Mr. J. Houseman.*
(19 June.)

What communication has the King's Scholar's Pond Sewer with the sewers which empty themselves about Westminster Bridge?—By taking off a number of the higher parts of the district they do not fall upon those of the lower parts of the district; we consider that Westminster has been very much benefited by the improvements on that line of sewer.

A scheme of a general bill, called "The Sewers Bill," has been drawn by the commissioners of the Holborn division; will your board give the Committee their opinion upon it, with such alterations as may be suggested, or such additions and improvements?—I have no doubt they will have great pleasure in so doing.

Acting under what has been considered by the public as a doubtful authority for levying a rate, would it not be advisable that a new act should vest that authority in unequivocal terms, so as to avoid legal construction, and, consequently, law-suits? Yes, I should think it would be better that the authority should be clearly defined, if there be any doubt about it; we have considered, in Westminster, that we have no doubt that the local act which we possess prevented any doubt.

Do you know that they have got a local act also for the Holborn division?—Yes.

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